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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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June 3, 2019 June 17, 2019	July 1, 2019 July 15, 2019	July 31, 2019 July 31, 2019	August 30, 2019 August 30, 2019
July 1, 2019 July 15, 2019	August 1, 2019 August 15, 2019	August 31, 2019 August 31, 2019	September 30, 2019 September 30, 2019
August 1, 2019 August 15, 2019	September 2, 2019 September 16, 2019	September 30, 2019 September 30, 2019	October 30, 2019 October 30, 2019
September 3, 2019 September 16, 2019	October 1, 2019 October 15, 2019	October 31, 2019 October 31, 2019	November 30, 2019 November 30, 2019
October 1, 2019 October 15, 2019	November 1, 2019 November 15, 2019	November 30, 2019 November 30, 2019	December 30, 2019 December 30, 2019

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system–

Title		Division	Chapter	Rule
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

EMERGENCY AMENDMENT

5 CSR 20-100.320 Prekindergarten Program Standards. The State Board of Education (board) is amending section (1) and adding section (2).

PURPOSE: This amendment is to respond to changes in section 163.018, RSMo, by HB604 which allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services. HB604 gave the board the authority to set standards for any early childhood education program that is under a contract as set forth above and these standards contained herein are entitled "Prekindergarten Program Standards."

EMERGENCY STATEMENT: This emergency amendment is necessary due to the passage of HB604 which goes into effect August 28, 2019, and allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services outlined in herein in these Prekindergarten Program Standards. Because these programs will be enrolling students for the 2019-20 school year, this emergency amendment is necessary to protect the health, safety, and

*welfare of those students by ensuring that there will be regulations in place that require teachers to undergo background checks, require appropriate teacher-to-child ratios, and require appropriate areas of certification, among other standards. As a result, the board finds a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on August 16, 2019, becomes effective August 28, 2019, and expires February 27, 2020.*

(1) Any school district or charter school reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education (board) including:

(A) A lead teacher in each prekindergarten classroom who holds a bachelor's degree and teaching certificate in early childhood education or early childhood special education; and

(B) A teacher assistant or paraprofessional who holds [a child development associate's degree,] an associate's degree in early childhood, or child development, or sixty (60) college hours with a minimum of [three (3)] nine (9) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families for any classroom with more than ten (10) children.

(2) Any school district or charter school contracting with an early childhood education program reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the board set forth in (1) (A) and (B) of this rule, and including:

(A) The program provides school day, school year programming with options for full day, full year programming;

(B) The program has a teacher-to-child ratio of one (1) to ten (10), maximum class size of twenty (20) children;

(C) The program implements a developmentally appropriate curricula aligned with the early learning standards, and approved by the Department of Elementary and Secondary Education (DESE);

(D) The program aligns with the early learning standards that implement a developmentally appropriate, culturally and linguistically appropriate, authentic, reliable and valid general development and social/emotional screening tool and summative assessment used with all children. Information from the screenings and assessments will be used for educational purposes;

(E) The program develops and implements procedures to ensure all staff members of the early childhood education program shall undergo background checks as described in section 168.133; and (F) The program is accredited by Missouri Accreditation of Programs for Children and Youth within ninety (90) days of a fully executed contract.

*AUTHORITY: sections 161.092, 163.011, 163.018, [RSMo Supp. 2014, and section] and 168.011, RSMo [2000] 2016. This rule previously filed as 5 CSR 20-600.140. Original rule filed Feb. 20, 2015, effective Oct. 30, 2015. Emergency amendment filed Aug. 16, 2019, effective Aug. 28, 2019, expires Feb. 27, 2020. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

EMERGENCY AMENDMENT

19 CSR 30-40.750 ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review. The department is amending section (3) and the form included after the rule.

PURPOSE: This amendment adds options for hospitals which are certified as STEMI centers as a Primary Heart Attack Center by the Joint Commission to become designated as a level II STEMI center and as an Acute Heart Attack Ready Center by the Joint Commission to become designated as a Level III STEMI Center without being reviewed by DHSS (the department). This amendment also updates the application for STEMI certified hospital designation with the Primary Heart Attack Center and Acute Heart Attack Ready Center options.

EMERGENCY STATEMENT: Heart disease, including STEMI (a specific type of heart attack), is the leading cause of death in Missouri. A STEMI is a type of a heart attack which impairs blood flow to a person's heart muscle. Mortality and disability is reduced when specific therapies are administered to STEMI patients within a short period of time after the onset of STEMI symptoms. The quicker that blood flow is restored to the heart, the less damage is done to the heart muscle. STEMI centers will provide a timely and medically appropriate focused approach to STEMI care that provides patients with better STEMI outcomes. In July of 2019, the Joint Commission opened the application process for hospitals to become certified as a Primary Heart Attack Center and an Acute Heart Attack Ready Center. As a result of this rule, hospitals which receive certification as a Primary Heart Attack Center and an Acute Heart Attack Ready Center with the Joint Commission will not have to go through dual reviews with both the department and the Joint Commission. Having this rule in effect prior to the time that hospitals receive these designations from the Joint Commission will prevent the hospitals from going through dual reviews with the Department and Joint Commission which will decrease the expense and staff time and involvement by the department and the hospitals in preparing for reviews by both the department and the Joint Commission. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The copy of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 28, 2019, becomes effective September 12, 2019, and expires March 9, 2020.

(3) Hospitals seeking STEMI center designation by the department based on their current certification as a STEMI center by the Joint Commission, American Heart Association, or American College of Cardiology shall meet the following requirements:

(A) An application for STEMI center designation by the department for hospitals that have been certified as a STEMI/chest pain center by the Joint Commission, American Heart Association, or American College of Cardiology shall be made upon forms prepared or prescribed by the department and shall contain information the department deems necessary to make a determination of eligibility for review and designation in accordance with the rules of this chap-

ter. The application for STEMI certified hospital designation form, included herein, is available at the Health Standards and Licensure (HSL) office, or online at the department's website at www.health.mo.gov, or may be obtained by mailing a written request to the Missouri Department of Health and Senior Services, HSL, PO Box 570, Jefferson City, MO 65102-0570. The application for STEMI center designation shall be submitted to the department no less than sixty (60) days and no more than one hundred twenty (120) days prior to the desired date of the initial designation or expiration of the current designation;

(B) Both sections A and B of the application for STEMI certified hospital designation form, included herein, shall be complete before the department designates a hospital/STEMI center. The department shall notify the hospital/STEMI center of any apparent omissions or errors in the completion of the application for STEMI certified hospital designation form. Upon receipt of a completed and approved application, the department shall designate such hospital as follows:

1. The department shall designate a hospital as a level I STEMI center if such hospital has been certified as a comprehensive cardiac center by the Joint Commission;

2. The department shall designate a hospital as a level II STEMI center if such hospital has been certified as any of the following:

A. Mission lifeline Percutaneous Coronary Intervention (PCI)/STEMI receiving center by the American Heart Association;

B. Chest pain center with PCI center by the American College of Cardiology; or

C. Chest pain with PCI and resuscitation center by the American College of Cardiology;

D. Primary Heart Attack Center by the Joint Commission.

3. The department shall designate a hospital as a level III STEMI center if such hospital has been certified as any of the following:

A. Mission lifeline non/PCI STEMI referral center by the American Heart Association;

B. Chest pain center by the Joint Commission;

C. Acute Heart Attack Ready Center by the Joint Commission;

D. Primary Acute Myocardial Infarction (AMI) center by the Joint Commission; or

D.1E. Chest pain center by the American College of Cardiology;

(C) No hospital shall hold itself out as a STEMI center designated by the department until given written approval by the department. The department shall give written approval to the hospitals to begin holding themselves out as designated STEMI centers by the department after all initial STEMI reviews have been completed for those hospitals which applied for STEMI review and designation with the department during the first round of applications and the time for plans of corrections have expired. This does not prohibit the hospitals from holding themselves out as certified STEMI/chest pain centers by the Joint Commission, the American Heart Association, or the American College of Cardiology;

(D) Annually from the date of designation by the department submit to the department proof of certification as a STEMI/chest pain center by the Joint Commission, the American Heart Association, or the American College of Cardiology and the names and contact information of the medical director of the STEMI/chest pain center and the program manager of the STEMI chest pain center;

(E) Within thirty (30) days of any changes submit to the department proof of certification as a STEMI/chest pain center by the Joint Commission, the American Heart Association, or the American College of Cardiology and the names and contact information of the medical director of the STEMI/chest pain center and the program manager of the STEMI/chest pain center;

(F) Submit to the department a copy of the certifying organization's final STEMI/chest pain center certification survey results within thirty (30) days of receiving such results;

(G) Submit to the department a completed application for STEMI

certified hospital designation form every three (3) years;

(H) Participate in the emergency medical services regional system of STEMI care in its respective emergency medical services region as defined in 19 CSR 30-40.302;

(I) Any hospital designated as a level III STEMI center that is certified by the Joint Commission, the American Heart Association, or the American College of Cardiology shall have a formal agreement with a level I or level II STEMI center designated by the department for physician consultative services for evaluation of STEMI patients;

(J) Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources;

(K) Submit data to meet the data submission requirements in section 190.241, RSMo, and 19 CSR 30-40.760;

(L) The designation of a hospital as a STEMI center pursuant to section (3) shall continue if such hospital retains certification as a STEMI center by the Joint Commission, the American Heart Association, or the American College of Cardiology; and

(M) The department may remove a hospital's designation as a STEMI center if requested by the hospital or the department determines that the Joint Commission, the American Heart Association, or American College of Cardiology certification has been suspended or revoked. The department may also remove a hospital's designation as a STEMI center if the department determines the hospital's certification with the Joint Commission, the American Heart Association, or American College of Cardiology has expired. Any decision made by the department to withdraw the designation of a STEMI center that is based on the revocation or suspension of a certification by the Joint Commission, the American Heart Association, or the American College of Cardiology shall not be subject to judicial review.

AUTHORITY: sections 190.185 and 192.006, RSMo 2016, and section 190.241, RSMo Supp. [2017] 2019. Original rule filed Nov. 15, 2012, effective June 30, 2013. Emergency amendment filed Feb. 2, 2018, effective Feb. 12, 2018, expired Aug. 10, 2018. Amended: Filed Feb. 2, 2018, effective Aug. 30, 2018. Emergency amendment filed Aug. 28, 2019, effective Sept. 7, 2019, expires March 4, 2020.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate for the duration of the emergency amendment.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate for the duration of the emergency amendment.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.



State of Missouri

Governor's Proclamation

WHEREAS, on June 25, 2019, the Missouri Supreme Court ruled in the case of *Kehlenbrink v. Director of Revenue* (SC 97287), which held that Section 144.025, RSMo, permits the sale proceeds of only one vehicle as a credit against the purchase price of a new vehicle for the purposes of calculating sales tax; and

WHEREAS, the Department of Revenue has historically allowed for the sale of more than one vehicle to be used as credit against the sales tax owed on the purchase of another vehicle; and

WHEREAS, given the Missouri Supreme Court's interpretation of the statute, the Department of Revenue will be limited to only allowing the sale of one vehicle to be used as a credit against sales tax owed; and

WHEREAS, we believe that if a taxpayer purchases a motor vehicle and sells one or more motor vehicles within 180 days, the taxpayer should only owe sales tax on the difference between the purchase price and the sale price of the respective motor vehicles; and

WHEREAS, this is in line with the Department of Revenue's prior practice and what consumers have come to expect; and

WHEREAS, after the *Kehlenbrink* decision, a statutory change is necessary in order to effectuate this policy.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundredth General Assembly of the State of Missouri in the First Extra Session of the First Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Monday, September 9, 2019; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation amending Section 144.025, RSMo for the sole purpose of allowing the sale of more than one motor vehicle, trailer, boat, or outboard motor to be used as credit against the sales tax owed on the purchase of another motor vehicle, trailer, boat, or outboard motor.
2. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate.
3. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of August, 2019.



Michael L. Parson
GOVERNOR

ATTEST:

SECRETARY OF STATE

**EXECUTIVE ORDER
19-15**

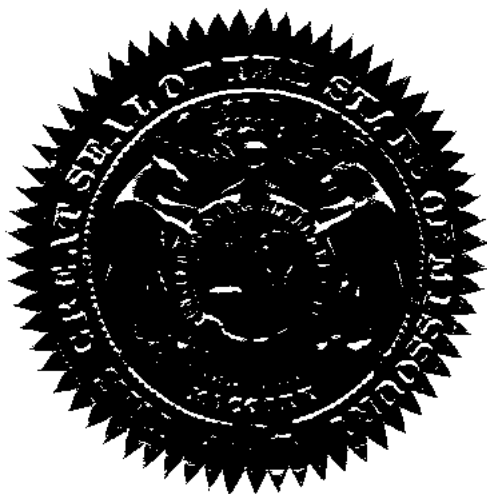
WHEREAS, Executive Order 19-03 transferred the Division of Workforce Development and the Missouri Economic Research and Information Center from the Department of Economic Development to the Department of Higher Education; and

WHEREAS, Executive Order 19-03 was not disapproved by the General Assembly, and became effective on August 28, 2019; and

WHEREAS, the Department of Higher Education was established pursuant to Article IV, Sections 12 and 52 of the Missouri Constitution; and

WHEREAS, in order to effectively implement the provisions of Executive Order 19-03, the Department of Higher Education’s name should be changed to reflect its enhanced mission:

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby declare that the Department of Higher Education shall henceforth be known as the Department of Higher Education and Workforce Development.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of August, 2019.

Michael L. Parson
Governor

ATTEST:

John R. Ashcroft
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to add new subsection (3)(G) and re-letter subsequent subsections.

PURPOSE: This amendment adds two (2) species of crayfish to the state endangered species list.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(G) Crayfish: coldwater crayfish, Spring River crayfish.

[(G)](H) Other Invertebrates: American burying beetle, Hine's emerald dragonfly, Tumbling Creek cavenail.

[(H)](I) Plants: small whorled pogonia, Mead's milkweed, decur-

rent false aster, Missouri bladderpod, geocarpon, running buffalo clover, pondberry, eastern prairie fringed orchid, western prairie fringed orchid, Virginia sneezeweed.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 4—Wildlife Code: General Provisions

PROPOSED AMENDMENT

3 CSR 10-4.117 Prohibited Species. The commission proposes to amend subsection (2)(D) and the authority section of this rule.

PURPOSE: This amendment updates the scientific names of two (2) crayfish and corrects an inaccurate reference in the authority section of the rule.

(2) For the purpose of this rule, prohibited species of wildlife shall include the following:

(D) Invertebrates: New Zealand mudsnail, *Potamopyrgus antipodarum*; rusty crayfish, *[Orconectes] Faxonius rusticus*; marbled crayfish, *Procambarus [marmorkebs] virginialis*; Australian crayfish of the genus *Cherax*; mitten crabs of the genus *Eriocheir*; zebra mussels, *Dreissena polymorpha*; quagga mussels, *Dreissena rostriformis*; mystery snails of the genus *Cipangopaludina*.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed April 20, 2005, effective Sept. 30, 2005. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.130 Owner May Protect Property; Public Safety. The commission proposes to amend section (1) and the authority section of this rule.

PURPOSE: This amendment permits an agent of the department to grant written exceptions to the authorized methods for capturing or killing wildlife that is damaging private property and corrects an inaccurate reference in the authority section.

(1) Subject to federal regulations governing the protection of property from migratory birds (including raptors), any wildlife except white-tailed deer, mule deer, elk, turkeys, black bears, mountain lions, and any endangered species which beyond reasonable doubt is damaging property may be captured or killed by the owner of the property being damaged, or by his/her representative, at any time and without permit, but only by shooting or trapping except by written authorization of *[the director or] an agent of the department but, for avian control, [of] only by written authorization of the director or his/her designee.* Wildlife may be so controlled only on the owner's property to prevent further damage.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2016. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will cost the Department of Conservation approximately two thousand three hundred ninety-six dollars (\$2,396) annually in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC COST

- I. **Department Title:** 3 – Department of Conservation
Division Title: 10-Conservation Commission
Chapter Title: 4—Wildlife Code: General Provisions

Rule Number and Name:	3 CSR 10-4.130 Owner May Protect Property; Public Safety
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$2,396 each year in conservation agent time to verify wildlife damage and issue authorizations.

III. **WORKSHEET**

48 (Estimated number of incidents each year requiring authorization) X \$49.92 (Average cost for Conservation agent time per incident) = \$2,396 each year for the life of the rule.

975 (Number of wildlife damage/nuisance incidents responded to by Conservation agents in Fiscal Year 2019) X 5% (Estimated percentage of these incidents that could potentially be resolved in the future through the issuance of an authorization to utilize a method other than shooting or trapping) = **48 (Estimated number of incidents each year requiring authorization).**

\$24.96 (Average hourly rate for Conservation agents [\$8,039,450 budgeted in current fiscal year to compensate all Conservation agent Grades / 161 Conservation agents / 2000 hours allotted per full time employee each year]) X 2 (Estimated number of hours required to verify damage and issue an authorization for each incident) = **\$49.92 (Average Cost for Conservation agent time per incident).**

IV. **ASSUMPTIONS**

Information is based on incident report data maintained by the Missouri Department of Conservation and assumes 5% of future incidents related to wildlife damage/nuisance complaints will be resolved by the issuance of an authorization to utilize a method other than shooting or trapping. It currently takes a conservation agent approximately 2 hours to verify damage and issue a destruction authorization for each incident involving crop depredation caused by deer. Based on the similarities of the work, it is assumed that it will also take approximately 2 hours for a Conservation agent to verify damage and issue an authorization for each incident where a method other than shooting or trapping is necessary to control damage caused by other wildlife species. The estimated yearly cost associated with the amendment assumes no increase in the number of wildlife damage/nuisance complaints, the percentage of incidents requiring authorization, and no change in the average hourly wage of conservation agents.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

PROPOSED AMENDMENT

3 CSR 10-7.405 General Provisions. The commission proposes to amend section (4) of this rule.

PURPOSE: This amendment will provide refuge for wildlife during flood conditions in portions of Southeast Missouri.

(4) Wildlife, except waterfowl, may not be pursued or taken while trapped or surrounded by floodwaters or while fleeing from floodwaters or fire.

(A) In Southeast Missouri no person shall take, attempt to take, or pursue wildlife, except waterfowl, during the fall deer and turkey season(s) in:

1. Zone 1 (Scott County) when the Mississippi River level is at or above thirty-three feet (33') on the Thebes, IL, gauge. Zone 1 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border at Commerce access in the town of Commerce to North Water Street; south on North Water Street to Mo. Hwy. E; west on Mo. Hwy. E to Mo. Hwy. N; south on Mo. Hwy. N to County Hwy. 351; south on County Hwy. 351 to Mo. Hwy. NN; south on Mo. Hwy. NN to the Scott County line; east on the Scott County line to the Illinois border.

2. Zone 2 (Mississippi County) when the Mississippi River level is at or above forty-one feet (41') on the Cairo, IL, gauge. Zone 2 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border on the Mississippi County line to Mo. Hwy. NN; south on Mo. Hwy. NN to County Hwy. 222; east on County Hwy. 222 to Mo. Hwy. N; south on Mo. Hwy. N to Mo. Hwy. 62; east on Mo. Hwy. 62 to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. D; west on Mo. Hwy. D to County Hwy. 329; south on County Hwy. 329 to County Hwy. 318; west on County Hwy. 318 to Mo. Hwy. DD; south on Mo. Hwy. DD to County Hwy. 331; south on County Hwy. 331 to Mo. Hwy. 80; west on Mo. Hwy. 80 to Mo. Hwy. AA; south on Mo. Hwy. AA to Mo. Hwy. FF; south on Mo. Hwy. FF to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. A; east on Mo. Hwy. A to the Kentucky border.

3. Zone 3A (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-four feet (34') on the New Madrid, MO, gauge. Zone 3A fall deer and turkey season boundary shall be that portion of Missouri south of a line running west from the Kentucky border on U.S. Hwy. A to Mo. Hwy. 77; north on Mo. Hwy. 77 to Mo. Hwy. 102; west on Mo. Hwy. 102 to County Hwy. 521; west on County Hwy. 521 to Mo. Hwy. 102; north on Mo. Hwy. 102 to County Hwy. 526; west on County Hwy. 526 to County Hwy. 727; south on County Hwy. 727 to Mo. Hwy. P; South on Mo. Hwy. P to Mo. Hwy. WW; west on Mo. Hwy. WW to Mo. Hwy. U; west on Mo. Hwy. U to Interstate 55; south on Interstate 55 to Mo. Hwy. M; east on Mo. Hwy. M to Mo. Hwy. KK; west on Mo. Hwy. KK to Mo. Hwy. 162; east on Mo. Hwy. 162 to the Tennessee border.

4. Zone 3B (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-six feet (36') on the New Madrid, MO, gauge. Zone 3B fall deer and turkey season boundary shall be that portion of Missouri south of a line continuing from Zone 3A on a line running north on Mo. Hwy. U to Mo. Hwy. P; east on Mo. Hwy. P to Mo. Hwy. BB; north on Mo. Hwy. BB to Mo. Hwy. OO; east on Mo. Hwy. OO to the toe of the protected side of the Corps of Engineers secondary levee; north on the Corps of Engineers secondary levee to Mo. Hwy. 80; east on Mo. Hwy. 80 to Mo. Hwy. AA; south on Mo. Hwy. AA to

Mo. Hwy. FF; south on Mo. Hwy. FF to Mo. Hwy. 77; south on Mo. Hwy. 77 tying back into Zone 3A.

5. Zone 3C (New Madrid and Mississippi counties) when the Mississippi River level is at or above forty feet (40') on the New Madrid, MO, gauge. Zone 3C fall deer and turkey season boundary shall be that portion of Missouri south of a line continuing from Zone 3B on a line running north on Mo. Hwy. V to Mo. Hwy. 80; east on Mo. Hwy. 80 to the toe of the protected side of the Corps of Engineers secondary levee; north on the Corps of Engineers secondary levee to Mo. Hwy. 77; south on Mo. Hwy. 77 to Mo. Hwy. D; west on Mo. Hwy. D to County Hwy. 329; south on County Hwy. 329 to Mo. Hwy. DD; south on Mo. Hwy. DD to County Hwy. 331; south on County Hwy. 331 to Mo. Hwy. 80; west on Mo. Hwy. 80 to Mo. Hwy. AA tying back into Zone 3B.

6. Zone 4 (Pemiscot County) when the Mississippi River level is at or above thirty-two feet (32') on the Caruthersville, MO, gauge. Zone 4 fall deer and turkey season boundary shall be that portion of Missouri east of a line running west from the Tennessee border on Mo. Hwy. 162 to Mo. Hwy. TT; south on Mo. Hwy. TT to Mo. Hwy. T; west on Mo. Hwy. T to Interstate 55; south on Interstate 55 to Interstate 155; southeast on Interstate 155 to Mo. Hwy. U; west on Mo. Hwy. U to Mo. Hwy. D; south on Mo. Hwy. D to County Hwy. 536; west on County Hwy. 536 to County Hwy. 515; south on County Hwy. 515 to U.S. Hwy. 164; west on U.S. Hwy. 164 to Mo. Hwy. H; south on Mo. Hwy. H to County Hwy. 569; south on County Hwy. 569 to the Arkansas border.

7. Zone 5A (Dunklin County) when the St. Francis River level is at or above twenty-one feet (21') on the St. Francis, AR, gauge. Zone 5A fall deer and turkey season boundary shall be that portion of Missouri west of a line running east from the Arkansas border on U.S. Hwy. 62 to Mo. Hwy. 53; south on Mo. Hwy. 53 to Mo. Hwy. 25; south on Mo. Hwy. 25 to Mo. Hwy. 84; west on Mo. Hwy. 84 to the Arkansas border.

8. Zone 5B (Dunklin County) when the St. Francis River level is at or above fifteen and one-half feet (15.5') on the Holly Island, MO, gauge. Zone 5B fall deer and turkey season boundary shall be that portion of Missouri west of a line running east on Mo. Hwy. 84 to U.S. Hwy. 412; southwest on U.S. Hwy. 412 to Mo. Hwy. F; south on Mo. Hwy. F to Mo. Hwy. FF; south on Mo. Hwy. FF to the Arkansas border.

(B) In Southeast Missouri no person shall take, attempt to take, or pursue wildlife, except waterfowl, during the spring turkey hunting season in:

1. Zone 1 (Scott County) when the Mississippi River level is at or above thirty-three feet (33') on the Thebes, IL, gauge. Zone 1 spring turkey season boundary shall be that portion of Missouri south of a line running west from the Illinois border at Commerce access in the town of Commerce to North Water Street; south on North Water Street to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to the Scott County line; east on the Scott County line to the Illinois border.

2. Zone 2 (Mississippi County) when the Mississippi River level is at or above forty-one feet (41') on the Cairo, IL, gauge. Zone 2 spring turkey season boundary shall be that portion of Missouri east of a line running west from the Illinois border at the Mississippi/Scott County line to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to Mo. Hwy. A; east on Mo. Hwy. A to the Kentucky border.

3. Zone 3 (New Madrid and Mississippi counties) when the Mississippi River level is at or above thirty-four feet (34') on the New Madrid, MO, gauge. Zone 3 spring turkey season boundary shall be that portion of Missouri south of a line running west on Mo. Hwy. A to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main

line levee to Mo. Hwy. 162; east on Mo. Hwy. 162 to the Tennessee border.

4. **Zone 4 (Pemiscot County)** when the Mississippi River level is at or above thirty-two feet (32') on the Caruthersville, MO, gauge. **Zone 4 spring turkey season boundary shall be that portion of Missouri east of a line running west from the Tennessee border on Mo. Hwy. 162 to the toe of the protected side of the Corps of Engineers main line levee; south on the Corps of Engineers main line levee to the Arkansas border.**

5. **Zone 5A (Dunklin County)** when the St. Francis River level is at or above twenty-one feet (21') on the St. Francis, AR, gauge. **Zone 5A spring turkey season boundary shall be that portion of Missouri west of a line running east from the Arkansas border on U.S. Hwy. 62 to Mo. Hwy. 53; south on Mo. Hwy. 53 to Mo. Hwy. 25; south on Mo. Hwy. 25 to Mo. Hwy. 84; west on Mo. Hwy. 84 to the Arkansas border.**

6. **Zone 5B (Dunklin County)** when the St. Francis River level is at or above fifteen and one-half feet (15.5') on the Holly Island, MO, gauge. **Zone 5B spring turkey season boundary shall be that portion of Missouri west of a line running east on Mo. Hwy. 84 to U.S. Hwy. 412; southwest on U.S. Hwy. 412 to Mo. Hwy. F; south on Mo. Hwy. F to Mo. Hwy. FF; south on Mo. Hwy. FF to the Arkansas border.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Aug. 26, 1964, effective Dec. 31, 1964. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-7.410 Hunting Methods. The commission proposes to amend subsections (1)(C), (1)(D), (1)(E), (1)(G), (1)(J), and (1)(M) of this rule.

PURPOSE: This amendment establishes a written authorization exception to the prohibition on the possession of night vision or thermal imagery equipment while in possession of any implement whereby wildlife could be killed to allow landowner's representatives to control feral hogs on private property, adds elk to the list of wildlife that cannot be pursued by dogs, and adds a special firearms provision for the firearms portion of the elk season in open counties.

(1) Wildlife may be hunted and taken only in accordance with the following:

(C) Night Vision and Thermal Imagery Equipment. No person may possess or control night vision or thermal imagery equipment

while acting singly or as one (1) of a group of persons while in possession of any firearm, bow, or other implement whereby wildlife could be killed or taken, **except by written authorization of an agent of the department and only as specifically authorized by him/her;**

(D) Dogs. Dogs may be used during the prescribed open seasons to chase, pursue, or take wildlife (except beaver, deer, elk, mink, muskrat, river otter, and turkey). All dogs used to hunt, chase, or pursue wildlife shall wear a collar while hunting that contains the full name and address, Conservation Number, or complete telephone number of the owner, except this provision does not apply to dogs used by waterfowl and game bird hunters. Furbearers, squirrels, and rabbits may not be chased, pursued, or taken with dogs during daylight hours of the November portion of the firearms deer season in Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon, and Wayne counties **or during daylight hours of the firearms portion of the elk season in Carter, Reynolds, and Shannon counties;**

(E) Dogs (Training). For training dogs, wildlife (except deer, elk, turkey, mink, muskrat, river otter, and beaver) may be chased, but not captured or killed. No person, acting singly or as one (1) of a group, may possess or use a firearm while training dogs during the closed seasons, except that a pistol with blank ammunition may be used during daylight hours only. Training dogs shall include any act of allowing dogs to chase wildlife or to teach dogs to hunt wildlife;

(G) Firearms. Firearms may be used to take wildlife (except beaver, mink, muskrat, river otter, turtles, and fish) during the open seasons, with the following limitations: For hunting game birds (except the crow), pistols, revolvers, and rifles may not be used. Except for hunting deer **and elk**, any shotgun having a capacity of more than three (3) shells must have the magazine cut off or plugged with a device incapable of removal through the loading end, so as to reduce the capacity to not more than three (3) shells in magazine and chamber combined. Fully automatic firearms are prohibited;

(J) Slingshot. Slingshots may be used to take wildlife (except deer, elk, and turkey) during the prescribed hunting seasons;

(M) No person shall place or scatter grain or other food items in a manner that subjects any hunter to violation of baiting rules, as defined by federal regulations and in 3 CSR 10-7.431, [and] 3 CSR 10-7.455, **and 3 CSR 10-7.700** of this Code;

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will cost the Department of Conservation approximately three thousand nine hundred ninety-three dollars and sixty cents (\$3,993.60) annually in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title:** 3 – Department of Conservation
Division Title: 10 - Conservation Commission
Chapter Title: 7—Wildlife Code: Hunting: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-7.410 Hunting Methods
Type of Rulemaking:	Proposed Amendment

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Conservation	\$3,993.60 each year in Conservation agent time to verify feral hog damage and issue authorizations.

III. **WORKSHEET**

80 (Estimated number of incidents each year requiring authorization) X \$49.92 (Average cost for Conservation agent time per incident) = \$3,993.60 each year for the life of the rule.

60 (Number of authorizations estimated for Iron, Wayne, and Reynolds Counties) + 20 (Number of authorizations estimated for the remainder of the state) = **80 (Estimated number of incidents each year requiring authorization).**

\$24.96 (Average hourly rate for Conservation agents [\$8,039,450 budgeted in current fiscal year to compensate all Conservation agent Grades / 161 Conservation agents / 2000 hours allotted per full time employee each year]) X 2 (Estimated number of hours required to verify damage and issue an authorization for each incident) = **\$49.92 (Average Cost for Conservation agent time per incident).**

IV. **ASSUMPTIONS**

Requests for this authorization have primarily originated from Iron, Wayne, and Reynolds Counties. Conservation agents assigned to these counties estimated they received approximately 20 requests per county that would qualify for the authorization to possess night vision or thermal imagery equipment for feral hog control during Fiscal Year 2019. Assuming an additional 20 qualifying requests are received throughout the remainder of the state, Conservation agents would issue approximately 80 authorizations per year. It takes a conservation agent approximately 2 hours to verify damage and issue a destruction authorization for each incident involving crop depredation caused by deer. Based on the similarities of the work, it is assumed that it will also take approximately 2 hours for a Conservation agent to verify damage and issue an authorization for each incident where the possession of night vision or thermal imagery equipment is authorized for feral hog control. The estimated yearly cost associated with this amendment assumes no increase in the number of requests for authorization received and no change in the average hourly wage of Conservation agents.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

PROPOSED RULE

3 CSR 10-7.439 Deer: Chronic Wasting Disease Management Program; Permit Availability, Methods, Limits

PURPOSE: This rule establishes requirements for obtaining and using no-cost Chronic Wasting Disease Management Permits.

(1) Landowners with property located within a Chronic Wasting Disease (CWD) Management Zone as defined in 3 CSR 10-4.200 may enroll property in the department-sponsored Chronic Wasting Disease Management Program to obtain no-cost Chronic Wasting Disease Management Permits in accordance with the following:

(A) For the purposes of this rule a landowner shall include any person owning at least twenty (20) contiguous acres within two (2) miles of a confirmed Chronic Wasting Disease-positive.

(B) The landowner shall submit an application on a form provided by the department to enroll in the program. Application for enrollment in the program shall be on an annual basis.

(C) Approval of applications received less than thirty (30) days prior to any deer hunting season cannot be guaranteed.

(D) The landowner may designate persons who are authorized to receive no-cost Chronic Wasting Disease Management Permit(s) for use on the enrolled property. The landowner or his/her authorized representative shall submit the following information to the department for any person who is authorized to obtain no-cost Chronic Wasting Disease Management Permit(s): Name, domicile address, e-mail, phone number, conservation identification number, and property identification number assigned to the enrolled property by the department.

(2) The number of permits allocated for use on an enrolled property will be determined by the department based on localized disease-management goals.

(3) In addition to the take of deer in accordance with statewide deer hunting regulations, additional deer may be taken during the firearms and archery deer hunting seasons on properties enrolled in the department-sponsored Chronic Wasting Disease Management Program in accordance with the following:

(A) Persons hunting or pursuing additional deer on enrolled properties must possess a valid no-cost Chronic Wasting Disease Management Permit. No-cost Chronic Wasting Disease Management Permits may be obtained only by a person whose name, domicile address, e-mail, phone number, conservation identification number, and the enrolled property identification number has been submitted to the department by a participating landowner with property enrolled in the program. A valid resident, nonresident, or landowner Firearms Any-Deer Hunting Permit, Firearms Antlerless Deer Hunting Permit, Archer's Hunting Permit, or Archery Antlerless Deer Hunting Permit is required as a prerequisite to obtain a no-cost Chronic Wasting Disease Management Permit.

(B) Each no-cost Chronic Wasting Disease Management Permit is valid for one (1) deer of either sex. All no-cost Chronic Wasting Disease Management Permits are valid only on the enrolled property they were issued for.

(C) Persons hunting or pursuing deer on a no-cost Chronic Wasting Disease Management Permit shall be properly licensed for the season they are hunting. Properly licensed during the Archery Deer Hunting Season shall mean possession of one (1) of the archery permits (either filled or unfilled) required by this rule as a prerequisite for obtaining a no-cost Chronic Wasting Disease Management Permit. Properly licensed during the Firearms Deer Hunting Season

shall mean possession of one (1) of the firearms deer hunting permits (either filled or unfilled) required by this rule as a prerequisite for obtaining a no-cost Chronic Wasting Disease Management Permit.

(D) Additional deer may be taken on enrolled properties only in accordance with statewide deer hunting regulations in this chapter. All applicable statewide season, method, permit, limit, tagging, and checking requirements apply, except antlered and antlerless deer limits established by 3 CSR 10-7.431, 3 CSR 10-7.434, and 3 CSR 10-7.437 shall not apply to deer taken on a no-cost Chronic Wasting Disease Management Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 26, 2019.

PUBLIC COST: This proposed rule will cost the Department of Conservation an estimated six hundred fifty-six dollars (\$656) in the first year of operation, with an annual-aggregate cost savings estimate of two thousand six hundred ninety-four dollars (\$2,694).

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Department of Conservation**
Division Title: Division 10 – Conservation Commission
Chapter Title: Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

Rule Number and Name:	3 CSR 10-7.439 Deer: Chronic Wasting Disease Management Program; Permit Availability, Methods, Limits
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$656 (first year cost to the department) with an annual aggregate savings of \$2,694

III. **WORKSHEET**

[\$3,350 (overall total cost of vendor payments to modify the department's licensing platform system)] – [125 (hours saved for administration of the cwd permit system over the seal) X \$21.55 (hourly rate for administration of the system)] = \$3,350 - \$2,694 (annual cost savings to the department) = \$656

IV. **ASSUMPTIONS**

The vendor payment for changes to the permit system is a one-time payment. We estimate the time savings from switching from a seal-type administration to permit-type system is 125 hours annually. We assume a \$21.55 hourly rate for administration of the system.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 8—Wildlife Code: Trapping: Seasons, Methods**

PROPOSED AMENDMENT

3 CSR 10-8.510 Use of Traps. The commission proposes to amend section (2) and subsection (4)(A) of this rule.

PURPOSE: This amendment adds drowning sets to the list of trapping methods subject to a forty-eight (48) hour trap check and for the use of snares if they are at least half (1/2) submerged.

(2) Traps, snares, and cable restraint devices shall be plainly labeled, on durable material, with the user's full name and address or Conservation Number. Wildlife held in traps, snares, or cable restraint devices may be killed or removed only by the user. Conibear® or other killing-type traps set under water [and], colony traps set under water, **and drowning sets** shall be attended and wildlife removed at least once every forty-eight (48) hours. All other traps, snares, and cable restraint devices must be attended daily and wildlife removed or released. Traps may not be set in paths made or used by persons or domestic animals, and Conibear® or other killing-type traps may not be set along public roadways, except under water in permanent waters. Except as provided in 3 CSR 10-4.130, only cage-type traps or foot-enclosing-type traps may be set within one hundred fifty feet (150') of any residence or occupied building located within the established boundaries of cities or towns containing ten thousand (10,000) or more inhabitants. Homes, dens, or nests of furbearers shall not be molested or destroyed. Traps may be used in conjunction with electronic calls.

(4) Use of Snares and Cable Restraint Devices.

(A) Snares (except as provided in subsection (4)(B)) must be set [under] in water and **must have the loop at least half (1/2) submerged**. Snares (as defined in 3 CSR 10-20.805) must have a loop fifteen inches (15") or less in diameter when set and must have a stop device that prevents the snare from closing to less than two and one-half inches (2 1/2") in diameter.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Sept. 20, 1957, effective Dec. 31, 1957. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-10.743 Commercial Establishments. The commission

proposes to amend this rule.

PURPOSE: This amendment establishes requirements for commercial establishments to buy, possess, transport, and sell legally purchased elk that are exempt from the permit requirements of the Wildlife Code.

Resident commercial establishments, when possession is accompanied by a valid invoice or bill of sale, may buy, possess, transport, and sell legally purchased and plainly marked dressed or processed pheasants, exotic partridges, quail, game bird eggs, deer except white-tailed and mule deer, **elk that are exempt from the permit requirements prescribed by this Code**, moose, caribou, wild boar, live bait and frogs, and fish. Skinned furbearer carcasses and fish eggs may be sold at retail only.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed Aug. 16, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.140 Camping. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment removes the area brochure and adds area maps and posted regulations as methods of designating locations where camping is allowed on department areas. It also clarifies that fires are only allowed in designated camping areas, except by special use permit.

(1) Camping is permitted only within areas designated by signs [or brochures], **area maps, or in accordance with posted regulations or by special use permit**. Stays are limited to a period of fourteen (14) consecutive days in any thirty- (30-) day period, with the period to commence the date the site is occupied or camping within any given department area first occurs. Personal property must be removed at the end of the fourteen- (14-) day period. Total camping days on all department lands are limited to thirty (30) days within one (1) calendar year. Camping requests in excess of thirty (30) days within a calendar year may be granted with a special use permit. On those areas with established campsites, only two (2) camping or sleeping units are permitted in each site. Quiet hours are effective from 10:00 p.m. to 6:00 a.m. daily. Visitors who are not occupying a campsite are required to leave the campground by 10:00 p.m. Quiet hours are defined as the cessation of excessive noise from people or

any mechanical device which causes disturbance to other campers. **Campfires are allowed only in designated camping areas or by special use permit.** Groups of more than ten (10) people must obtain a special use permit prior to camping.

(A) On Thomas Hill Reservoir, only one (1) camping or sleeping unit and a maximum of six (6) people are permitted in each camp-site.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.180 Hunting, General Provisions and Seasons. The commission proposes to amend sections (1) and (3), remove subsection (4)(K), re-letter subsequent subsections, add subsections (11)(B) and (11)(F), and re-letter subsequent subsections.

PURPOSE: This amendment clarifies methods by which citizens will be notified where hunting is restricted on department areas, allows for elk hunting on conservation areas with a valid elk hunting permit, and expands public recreation and wildlife management opportunities by allowing flexibility for small game hunts on areas previously closed to that activity.

(1) Hunting is permitted on department areas, except as further restricted by signs, area [brochures] maps, or this chapter and except turkey [and], deer, and elk hunting are allowed as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts [and], 3 CSR 10-11.182 Deer Hunting, and **3 CSR 10-11.190 Elk Hunting** of this chapter. Unless otherwise provided in this chapter or by managed hunt, statewide permits, seasons, methods, and limits apply. A valid area daily hunting tag may be required in addition to statewide permits.

(3) Except for deer, elk, and turkey hunting as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts [and], 3 CSR 10-11.182 Deer Hunting, and **3 CSR 10-11.190 Elk Hunting** of this chapter, hunting is prohibited on outdoor education sites, conservation education center sites, nature center sites, and any of the following areas that are less than forty (40) acres in size: public fishing accesses, radio facilities, office sites, tower sites, cave sites, and staffed shooting ranges.

(4) Hunting is prohibited on the following department areas except for deer and turkey hunting as authorized in 3 CSR 10-11.181

Turkeys: Special Hunts and 3 CSR 10-11.182 Deer Hunting of this chapter:

[[K)](K) Burr Oak Woods Conservation Area
[[L)](K) Caldwell Memorial Wildlife Area
[[M)](L) DeLaney (Robert G.) Lake Conservation Area
[[N)](M) Dripping Springs Natural Area
[[O)](N) Drovers Prairie Conservation Area
[[P)](O) Engelmann Woods Natural Area
[[Q)](P) Forest 44 Conservation Area
[[R)](Q) Foxglove Conservation Area
[[S)](R) Gay Feather Prairie Conservation Area
[[T)](S) Goodson (Jean and Joan) Conservation Area
[[U)](T) Gravois Creek Conservation Area
[[V)](U) Gravois Mills Access
[[W)](V) Grundy Memorial Wildlife Area
[[X)](W) Hartell (Ronald and Maude) Conservation Area
[[Y)](X) Harter (James R.) Conservation Area
[[Z)](Y) Henning (Ruth and Paul) Conservation Area
[[AA)](Z) Hickory Canyons Natural Area
[[BB)](AA) Hickory Woods Conservation Area
[[CC)](BB) Hinkson Woods Conservation Area
[[DD)](CC) Juden Creek Conservation Area
[[EE)](DD) Klamberg (Roger) Woods Conservation Area
[[FF)](EE) La Petite Gemme Prairie Conservation Area
[[GG)](FF) Lichen Glade Conservation Area
[[HH)](GG) Lily Pond Natural Area
[[II)](HH) Limpp Community Lake
[[JJ)](II) Lipton Conservation Area
[[KK)](JJ) Little Osage Prairie
[[LL)](KK) Malta Bend Community Lake
[[MM)](LL) Maple Flats Access
[[NN)](MM) Maple Woods Natural Area
[[OO)](NN) Miller Community Lake
[[PP)](OO) Mint Spring Conservation Area
[[QQ)](PP) Mount Vernon Prairie
[[RR)](QQ) Niawathe Prairie Conservation Area
[[SS)](RR) Parma Woods Range and Training Center (south portion)
[[TT)](SS) Pawhuska Prairie
[[UU)](TT) Pelican Island Natural Area
[[VV)](UU) Perry County Community Lake
[[WW)](VV) Phantom Forest Conservation Area
[[XX)](WW) Pickle Springs Natural Area
[[YY)](XX) Port Hudson Lake Conservation Area
[[ZZ)](YY) Ray County Community Lake
[[AAA)](ZZ) Rocheport Cave Conservation Area
[[BBB)](AAA) Rockwoods Range
[[CCC)](BBB) Rockwoods Reservation
[[DDD)](CCC) Rush Creek Conservation Area
[[EEE)](DDD) Saeger Woods Conservation Area
[[FFF)](EEE) Saint Stanislaus Conservation Area
[[GGG)](FFF) Sears (F. O. and Leda J.) Memorial Wildlife Area
[[HHH)](GGG) Shawnee Mac Lakes Conservation Area
[[III)](HHH) Sims Valley Community Lake
[[JJJ)](III) Steyermark (Julian) Woods Conservation Area
[[KKK)](JJJ) Tszars Woods Conservation Area
[[LLL)](KKK) Thirtyfour Corner Blue Hole
[[MMM)](LLL) Thompson (Robert H.) Conservation Area
[[NNN)](MMM) Tower Rock Natural Area
[[OOO)](NNN) Truman Reservoir Management Lands (designated portion of the Grand River Bottoms Wildlife Management Area)
[[PPP)](OOO) Twin Borrow Pits Conservation Area
[[QQQ)](PPP) Tywappity Community Lake
[[RRR)](QQQ) Upper Mississippi Conservation Area (Clarksville Refuge)
[[SSS)](RRR) Wah'Kon-Tah Prairie (portion south of Highway 82)
[[TTT)](SSS) Wah-Sha-She Prairie

- [(UUU)](TTT)* Walnut Woods Conservation Area
- [(VVV)](UUU)* White Alloe Creek Conservation Area
- [(WWW)](VVV)* Wildcat Glade Natural Area
- [(XXX)](WWW)* Wild Cherry Ridge Conservation Area
- [(YYY)](XXX)* Woods (Walter) Conservation Area
- [(ZZZ)](YYY)* Youngdahl (Mark) Urban Conservation Area

(11) Hunting is permitted on the following department areas only by holders of a valid area daily hunting tag or as authorized in 3 CSR 10-11.181 Turkeys: Special Hunts and 3 CSR 10-11.182 Deer Hunting of this chapter:

- (B) Burr Oak Woods Conservation Area**
- [(B)](C)* Forest 44 Conservation Area
- [(C)](D)* Green (Charles W.) Conservation Area
- [(D)](E)* Marais Temps Clair Conservation Area
- (F) Prairie Fork Conservation Area**
- [(E)](G)* Reed (James A.) Memorial Wildlife Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.186 Waterfowl Hunting. The commission proposes to add new section (11) to this rule.

PURPOSE: This amendment clarifies waterfowl hunt procedures by establishing one (1) consistent draw system.

(11) Managed Waterfowl-Hunting Areas; Draw Participation Requirements.

(A) Hunting party members may participate in only one (1) morning drawing on the same day and may only submit one (1) Daily Waterfowl Hunting Tag per morning drawing. This includes having one (1) hunting party member submit a Daily Waterfowl Hunting Tag for another hunting party member in their absence.

(B) A hunter must be properly licensed prior to participating in the morning drawing or applying for a reservation.

(C) Hunting parties, including observers, may not exceed four (4), except during youth seasons.

(D) Hunters must qualify for Missouri resident permits or be exempt from purchasing Missouri permits to apply for reservations. Hunters do not need to be a Missouri resident to reserve

an Americans with Disabilities Act-accessible blind.

(E) Hunting parties who have reserved an Americans with Disabilities Act-accessible blind are not eligible to enter an in-person drawing unless they first forfeit their Americans with Disabilities Act-accessible blind reservation for that day.

(F) Hunters may not be registered for more than one (1) location or possess more than one (1) valid Daily Waterfowl Hunting Tag at the same time. Hunters must check out of one (1) location prior to registering for another location.

(G) Hunting parties must hunt in their assigned location, as designated during the morning drawing.

(H) Parties not registered or signed in prior to the draw time will not be allowed to enter the drawing. This includes parties with reservations.

(I) Individuals may not be added to a party once the party has drawn.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.200 Fishing, General Provisions and Seasons. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment clarifies methods by which citizens will be notified where fishing is restricted on department areas.

(1) Fishing is permitted on department areas, except as further restricted by signs, area *[brochures]* **maps**, or this chapter. Statewide permits, seasons, methods, and limits apply unless otherwise provided in this chapter.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to add new subsection (2)(H) and re-letter subsequent subsections.

PURPOSE: This amendment expands public recreation opportunities by adding one (1) conservation area to the list of areas where educational groups are allowed to fish with a reservation.

(2) Fishing is permitted only by reservation by educational groups, and fish must be returned to the water unharmed immediately after being caught, except as provided by special use permit on the following department areas or individually named lakes:

(H) Prairie Fork Conservation Area

(H)(I) Sunfish Lake (Hartell (Ronald and Maude) Conservation Area)

(H)(J) Woods (Walter) Conservation Area Aquatic Education Pond.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

PROPOSED AMENDMENT

5 CSR 20-100.320 Prekindergarten Program Standards. The State Board of Education (board) is amending section (1) and adding

section (2).

PURPOSE: This amendment is to respond to changes in section 163.018, RSMo, by HB604, which allows a district or a charter school that has declared itself as a local education agency to contract with an early childhood education program to provide early learning services. HB604 gave the board the authority to set standards for any early childhood education program that is under a contract as set forth above, and these standards contained herein are entitled "Prekindergarten Program Standards."

(1) Any school district or charter school reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education (board) including:

(A) A lead teacher in each prekindergarten classroom who holds a bachelor's degree and teaching certificate in early childhood education or early childhood special education; and

(B) A teacher assistant or paraprofessional who holds *[a child development associate's degree,]* an associate's degree in early childhood, or child development, or sixty (60) college hours with a minimum of *[three (3)]* nine (9) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families for any classroom with more than ten (10) children.

(2) Any school district or charter school contracting with an early childhood education program reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the board set forth in (1)(A) and (B) of this rule, and including:

(A) The program provides school day, school year programming with options for full day, full year programming;

(B) The program has a teacher-to-child ratio of one (1) to ten (10), maximum class size of twenty (20) children;

(C) The program implements a developmentally appropriate curricula aligned with the early learning standards, and approved by the Department of Elementary and Secondary Education (DESE);

(D) The program aligns with the early learning standards that implement a developmentally appropriate, culturally and linguistically appropriate, authentic, reliable, and valid general development and social/emotional screening tool and summative assessment used with all children. Information from the screenings and assessments will be used for educational purposes;

(E) The program develops and implements procedures to ensure all staff members of the early childhood education program shall undergo background checks as described in section 168.133, RSMo; and

(F) The program is accredited by Missouri Accreditation of Programs for Children and Youth within ninety (90) days of a fully executed contract.

AUTHORITY: sections 161.092, 163.011, *[163.018, RSMo Supp. 2014, and section]* and 168.011, RSMo *[2000]* 2016, and section 163.018, RSMo Supp. 2019. This rule previously filed as 5 CSR 20-600.140. Original rule filed Feb. 20, 2015, effective Oct. 30, 2015. Amended: Filed Aug. 16, 2019.

PUBLIC COST: This proposed amendment is anticipated to cost state agencies or political subdivisions two hundred eighty thousand dollars (\$280,000) in the aggregate.

PRIVATE COST: This proposed amendment anticipated to cost private entities eighty-three thousand seven hundred dollars (\$83,700) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in

*support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: Jo Anne Ralston, Coordinator, Early Learning, PO Box 480, Jefferson City, MO 65102-0480 or by email at webreplyimprece@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** 5 – Department of Elementary and Secondary Education
- Division Title:** 20 – Division of Learning Services
- Chapter Title:** 100 – Office of Quality Schools

Rule Number and Name:	5 CSR 20-100.320 Prekindergarten Program Standards
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Local Education Agencies (LEA)	\$280,000.00

III. WORKSHEET

56 LEAs legal fees for contract execution at \$5,000 per LEA \$280,000.00

IV. ASSUMPTIONS

10% of local education agencies (LEA) contract with child care providers (56)
contract/legal fees for executing contract with child care provider (56) @ \$5000 each

**FISCAL NOTE
 PRIVATE COST**

- I. Department Title:** 5 – Department of Elementary and Secondary Education
Division Title: 20 – Division of Learning Services
Chapter Title: 100 – Office of Quality Schools

Rule Number and Title:	5 CSR 20-100.320 Prekindergarten Program Standards
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
56	child care programs	\$83,700.00

III. WORKSHEET

56 private programs x 4 staff x \$50 per background check	\$11,200.00
50 private programs x \$1,450 accreditation fees per program	<u>\$72,500.00</u>
Total	\$83,700.00

IV. ASSUMPTIONS

Fifty-six (56) (approximately 10%) of local education agencies (LEA) contract with child care providers (56)
 Six of those child care providers are already accredited
 Accreditation fees (50) @ \$1450 per program

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend section (9) and subsections (1)(A), (1)(D), (2)(G), (2)(J), (2)(K), (2)(P), (3)(C), (3)(H), (3)(I), (4)(B), (5)(D)-(5)(F), (7)(A)-(7)(D), (12)(A), and (12)(B). If the commission adopts this rule action, the department intends to submit this rule amendment to the U.S. Environmental Protection Agency (EPA) to replace the current rule that is in the Missouri State Implementation Plan (SIP). The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website www.dnr.mo.gov/proposed-rules.

PURPOSE: This rule defines sources required to obtain permits to construct. It establishes: requirements to be met prior to construction or modification of any sources; a procedure for a source to voluntarily obtain a permit for implementing practically enforceable conditions; a procedure for the permitting authority to issue general permits; permit fees; and public notice requirements for certain permits. This proposed amendment will remove erroneous references to incorporation by reference information in 10 CSR 10-6.030(21) and 10 CSR 10-6.075(3)(A), and add the appropriate incorporation by reference information to this rule. Rule 10 CSR 10-6.030 is being amended to address EPA concerns regarding the incorporation by reference of certain federal regulations. After reviewing references to 10 CSR 10-6.030 and other cross references in 10 CSR 10-6.060 for potential issues, these changes were deemed necessary. In addition, this proposed amendment will make typographical corrections and clarify the definition of "portable equipment installation" by explicitly stating that "any other air pollutant" includes the subcategories of particulate matter (PM): PM₁₀ and PM_{2.5}. The adoption of this proposed amendment will ensure this rule can be approved by EPA and replace the current version in the Missouri SIP. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is an EPA comment letter dated September 18, 2018.

(1) Applicability.

(A) Construction Permit Required. The owner or operator of a new or existing installation throughout Missouri that meets any of the following provisions must obtain a permit:

1. Before construction of a new installation that results in a potential to emit greater than [*de minimis*] *de minimis* threshold levels;

2. Before new construction and/or modification that results in an emission increase greater than the *de minimis* threshold levels at an existing installation with potential to emit less than *de minimis* threshold levels;

3. Before new construction and/or modification that results in an emission increase at an existing installation whose potential to emit exceeds *de minimis* threshold levels or is less than [*de minimis*] *de minimis* threshold levels due to taking practically enforceable requirements in a permit;

4. The new construction and/or modification is a major modification as defined [*in 40 CFR 52.21(b)*] or for nonattainment pollutants as defined in 40 CFR 51.165(a)(1)(v); or—

A. Under 40 CFR 52.21(b)(2), which is incorporated by reference in subsection (8)(A) of this rule, for pollutants in attainment and unclassified areas; or

B. Under 40 CFR 51.165(a)(1)(v), which is incorporated by reference in paragraph (7)(A)2. of this rule, for pollutants in nonattainment areas; or

5. Before construction of an incinerator.

(D) Construction and Operation Prohibited Prior to Permitting. Owners or [O]operators shall obtain a permit from the permitting authority, except as allowed under subsection (1)(D)(E) of this rule, prior to any of the following activities:

1. The beginning of actual construction or modification of any installation subject to this rule;

2. Operation after construction or modification; or

3. Operation of any emission unit that has been permanently shutdown.

(2) Definitions.

(G) Good engineering practice (GEP) stack height—The greater of—

1. Sixty-five meters (65 m) measured from the ground-level elevation at the base of the stack;

2. For stacks on which construction commenced on or before January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52,

$$[Hg] H_g = 2.5H$$

provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation; and for all other stacks,

$$[Hg] H_g = H + 1.5L$$

Where:

[Hg] H_g = GEP stack height, measured from the ground-level elevation at the base of the stack;

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack; and

L = lesser dimension, height, or projected width of the nearby structure(s). Provided that the director may require the use of a field study or fluid model to verify GEP stack height for the installation; or

3. The height demonstrated by a fluid model or field study approved by the director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

(J) Nonattainment pollutant—Each and every pollutant for which the location of the source is in an area designated to be in nonattainment of a National Ambient Air Quality Standard (NAAQS) under section 107(d)(1)(A)(i) of the **Clean Air Act (CAA)**. Any constituent or precursor of a nonattainment pollutant shall be a nonattainment pollutant, provided that the constituent or precursor pollutant may only be regulated under this rule as part of regulation of the corresponding NAAQS pollutant. Both volatile organic compounds (VOC) and nitrogen oxides [(NO_x)] (NO_x) shall be nonattainment pollutants for a source located in an area designated nonattainment for ozone.

(K) Offset—A decrease in actual emissions from a source operation or installation that is greater than the amount of emissions anticipated from a modification or construction of a source operation or installation. The decrease must have substantially similar environmental and health effects on the impacted area. Any ratio of decrease to increase greater than one to one (1:1) constitutes offset. The exceptions to this are ozone nonattainment areas where [*volatile organic compound*] VOC and [*oxides of nitrogen*] NO_x emissions will require an offset ratio of actual emission reduction to new emissions according to the following schedule:

1. marginal area = 1.1:1;

2. moderate area = 1.15:1;

3. serious area = 1.2:1;

- 4. severe area = 1.3:1; and
- 5. extreme area = 1.5:1.

(P) Portable equipment installation—An installation that consists solely of portable equipment and associated haul roads and storage piles. To be considered a portable equipment installation the following must apply:

- 1. The potential to emit of this installation is of less than two hundred fifty (250) tons per year of particulate matter (**PM**) and less than one hundred (100) tons per year of any other air pollutant, **including PM_{2.5} and PM₁₀**, taking into account any federally enforceable conditions; and
- 2. Any equipment cannot operate at a location for more than twenty-four (24) consecutive months without an intervening relocation.

(3) Application and Permit Procedures.

(C) Applicant Responsibilities Regarding the Permit Application.

1. The applicant shall submit the information specified in the application package for each emissions unit being constructed or modified.

2. Certification by a responsible official. Any application form or report submitted pursuant to this rule shall contain certification by a responsible official of truth, accuracy, and completeness. This certification, and any other certification, shall be signed by a responsible official and contain the following language: I certify, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

3. The applicant shall supply the following supplemental information in addition to the application:

A. Additional information, plans, specifications, drawings, evidence, documentation, and monitoring data that the permitting authority may require to verify applicability and complete review under this rule;

B. Other information required by any applicable requirement. Specific information may include, but is not limited to, items such as testing reports, vendor information, material safety data sheets, or information related to stack height limitations developed pursuant to section 123 of the *[Clean Air Act] CAA*;

C. Calculations on which the information in parts (3)(B)2.D.(I) through (3)(B)2.D.(VIII) of this rule are based;

D. Related information in sufficient detail necessary to establish compliance with the applicable standard reference test method, if any; and

E. Ambient air quality modeling data, in accordance with section (5) or (8) of this rule, for all pollutants requiring modeling to determine the air quality impact of the construction or modification of the installation.

4. Confidential information. An applicant may submit information to the permitting authority under a claim of confidentiality pursuant to 10 CSR 10-6.210. The confidentiality request needs to be submitted with the initial application to ensure confidentiality.

5. Duty to supplement or correct application. Any applicant that fails to submit any relevant facts or submits incorrect information in a permit application, upon becoming aware of the failure or incorrect submittal, shall promptly submit supplementary facts or corrected information. In addition, an applicant shall provide additional information, as necessary, to address any requirements that become applicable to the installation after the date an application is deemed complete, but prior to the issuance of the construction permit.

6. Filing fees in accordance with paragraph (3)(H)9. of this rule.

(H) Fees.

1. All installations or source operations requiring permits under this rule must submit the application with a permit filing fee to the permitting authority. Failure to submit the permit filing fee constitutes an incomplete permit application according to subsection (3)(D) of this rule.

2. Upon receipt of an application for a permit or a permit amendment, a permit processing fee begins to accrue per hour of actual staff time. In lieu of the per-hour processing fee for relocation of portable plants subject to paragraph (4)(D)1. of this rule, a flat fee as specified in paragraph (3)(H)9. of this rule must be submitted by the applicant.

3. The permitting authority, upon request, will notify the applicant in writing if the permit processing fee approaches two thousand dollars (\$2,000) and in two-thousand-dollar (\$2,000) increments after that.

4. After making a final determination whether the permit should be approved, approved with conditions, or denied, the permitting authority will notify the applicant in writing of the final determination and the total permit processing fees due. The amount of the fee will be determined in accordance with paragraph (3)(H)9. of this rule.

5. The applicant shall submit fees for the processing of the permit application within ninety (90) calendar days of the final review determination, whether the permit is approved, denied, withdrawn, or not needed. After the ninety (90) calendar days, the unpaid processing fees will have interest imposed upon the unpaid amount at the rate of ten percent (10%) per annum from the date of billing until payment is made. Failure to submit the processing fees after the ninety (90) calendar days will result in the permit being denied (revoked for portable installation location amendments) and the rejection of any future permit applications by the same applicant until the processing fee plus interest has been paid.

6. Partially processed permits that are withdrawn after submittal are charged at the same processing fee rate in paragraph (3)(H)9. of this rule for the time spent processing the application.

7. The applicant shall pay for any publication of notice required and pay for the original and one (1) copy of the transcript, to be filed with the permitting authority, for any hearing required under this rule. No permit is issued until all publication and transcript costs have been paid.

8. The commission may reduce the permit processing fee or exempt any person from payment of the fee upon an appeal filed with the commission stating and documenting that the fee will create an unreasonable economic hardship upon the person.

9. Permit fees.

Permit Application Type	Rule Section Reference	Filing Fee	Processing Fee
Portable Source Relocation Request	(4)	\$300	----
Minor	(5)	\$250	\$75/hr
General Permit	(6)	\$700	----
New Source Review (NSR)	(7)	\$5,000	\$75/hr
Prevention of Significant Deterioration (PSD)	(8)	\$5,000	\$75/hr
HAP	(9)	\$5,000	\$75/hr
Initial Plantwide Applicability Limit (PAL)	(7) or (8)	\$5,000	\$75/hr
Renewal PAL	(7) or (8)	\$2,500	\$75/hr
Temporary/Pilot	(10)	\$250	\$75/hr
Permit Amendment	(11)	----	\$75/hr

10. No later than three (3) business days after receipt of the whole amount of the fee due, the permitting authority will send the applicant a notice of payment received. The permit will also be issued at this time, provided the final determination was for approval and the permit processing fee was timely received.

(I) Final Permit Issuance: Any installation subject to this rule will be issued a permit and be in effect if all of the following conditions are met:

1. Information is submitted to the permitting authority which is sufficient for the permitting authority to verify the annual emission rate and to verify that no applicable emission control rules will be violated;

2. No applicable requirements of the Air Conservation Law are violated;

3. The installation does not cause an adverse impact on visibility in any Class I area;

4. The installation will not interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010;

5. The installation will not cause or contribute to ambient air concentrations in excess of any applicable maximum allowable increase listed in paragraph (5)(F)5. Table 2 of this rule, or be over the baseline concentration in any attainment or unclassified area;

6. The installation will not exceed the [risk assessment levels] RALs required for all pollutants that exceed the [screening model action levels] SMALs; and

7. All permit fees are paid.

(4) Portable Equipment Permits, Amendments, and Relocations.

(B) The review and issuance of each initial permit application will follow the procedures of section (3) [of this rule] and subsection (5)(D) of this rule, Modeling Required.

(5) Minor Permits.

(D) Modeling Required. Any construction or modification, which has an emissions increase greater than *de minimis* threshold levels or the [hazardous air pollutant] HAP is greater than the [screening model action levels] SMALs taking into account any federally enforceable conditions shall complete an air quality analysis for the affected pollutant in accordance with subsection (5)(F) of this rule. At minimum, the installation will demonstrate that the proposed construction or modification will not—

1. Interfere with the attainment or maintenance of NAAQS and the air quality standards established in 10 CSR 10-6.010; or

2. Cause or contribute to an exceedance of the [risk assessment levels] RALs for all pollutants that exceed the [screening model action levels] SMALs.

(E) Exception: Notwithstanding the modeling required in subsection (5)(D) of this rule, the director may require additional air quality analysis if—

1. It is likely that the emissions of the proposed construction or modification will affect air quality or the air quality standards listed in paragraphs (3)(I)3. through 6. of this rule;

2. It is likely that the construction or modification will result in the discharge of [hazardous air pollutants] HAPs in quantities, of characteristics, and of a duration that directly and proximately cause or contribute to injury to human, plant, or animal life or the use of property; or

3. Complaints filed in the vicinity of the proposed construction or modification warrant an air quality analysis.

(F) Air Quality Analysis.

1. All estimates of ambient concentrations required under this subsection are based on applicable air quality models, databases, and other requirements specified in the U.S. Environmental Protection Agency's (EPA) Guideline on Air Quality Models at appendix W of 40 CFR 51 [as specified in 10 CSR 10-6.030(21)].

2. The air quality analysis demonstration required in subsection (5)(D) of this rule or required by the director in subsection (5)(E) of this rule is deemed to have been made if the emissions increase from the proposed construction or modification alone would cause, in all areas, air quality impacts less than the amounts listed in Table 1 in paragraph (5)(F)3. of this rule.

3. Table 1—Significant Levels for Air Quality Impact in Class II Areas.

Pollutant	Averaging Time				
	Annual	24-hour	8-hour	3-hour	1-hour
SO ₂	1.0	5		25	7.9
PM ₁₀		5			
PM _{2.5}	0.2	1.2			
NO ₂	1.0				7.5
CO			500		2000
Individual HAP Significant Impact Levels are equal to four (4) percent of the respective [risk assessment levels] RALs listed in the table referenced in subparagraph (5)(F)6.A. of this rule.					

Note: All impacts in micrograms per cubic meter.

4. In the event the director requires modeling under subsection (5)(E) of this rule, ambient air concentration increases shall be limited to the applicable maximum allowable increase listed in Table 2 over the baseline concentration in any attainment or unclassified area. Table 2 is located in paragraph (5)(F)5. of this rule.

5. Table 2—Ambient Air Increment Table.

Pollutant	Maximum Allowable Increase
<u>Particulate Matter 2.5 Micron:</u>	
Annual arithmetic mean	1
24-hour maximum	2
<u>Particulate Matter 10 Micron:</u>	
Annual arithmetic mean	4
24-hour maximum	8
<u>Sulfur Dioxide:</u>	
Annual arithmetic mean	2
24-hour maximum	5
3-hour maximum	25
<u>Nitrogen Dioxide:</u>	
Annual arithmetic mean	2.5
Class II Areas	
<u>Particulate Matter 2.5 Micron:</u>	
Annual arithmetic mean	4
24-hour maximum	9
<u>Particulate Matter 10 Micron:</u>	
Annual arithmetic mean	17
24-hour maximum	30
<u>Sulfur Dioxide:</u>	
Annual arithmetic mean	20
24-hour maximum	91
3-hour maximum	512
<u>Nitrogen Dioxide:</u>	
Annual arithmetic mean	25
Class III Areas	
<u>Particulate Matter 2.5 Micron:</u>	
Annual arithmetic mean	8
24-hour maximum	18
<u>Particulate Matter 10 Micron:</u>	
Annual arithmetic mean	34
24-hour maximum	60
<u>Sulfur Dioxide:</u>	
Annual arithmetic mean	40
24-hour maximum	182
3-hour maximum	700
<u>Nitrogen Dioxide:</u>	
Annual arithmetic mean	50

Notes:

1. All increases in micrograms per cubic meter. For any period other than an annual period, the applicable maximum allowable increase may be exceeded during one (1) period once per year at any one (1) location.

2. There are two (2) Class I Areas in Missouri—one (1) in Taney County (Hercules Glade) and one (1) in Wayne and Stoddard Counties (Mingo Refuge).

3. There are no Class III Areas in Missouri at this time.

6. [Hazardous air pollutants] HAPs table and public review.

A. The director shall maintain a table of [risk assessment levels] RALs and [screening model action levels] SMALs for [hazardous air pollutants] HAPs.

B. Public review: The permitting authority will make available for public review any changes to [risk assessment levels] RALs or [screening model action levels] SMALs of any [hazardous air pollutant] HAP in accordance with the following procedures:

(I) The permitting authority issues a draft proposal for use of alternate [risk assessment levels] RALs or [screening model action levels] SMALs and any supporting information relied upon for the proposed changes by publishing a notice on the permitting authority's website;

(II) Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the thirtieth day after the date of publication of the notice. The comment period may be extended by thirty (30) calendar days if a written request is received within twenty-five (25) calendar days of the original notice;

(III) The permitting authority considers all written comments submitted within the time specified in the public notice in making the final decision on the approvability of the values subject to change;

(IV) The permitting authority makes a final determination on whether to approve, approve with changes, or deny the changes;

(V) Any changes made to the proposed values as a result of public comments will go through public notice again following the procedures outlined in parts (5)(F)6.B.(I) through (V) of this rule;

(VI) Final decisions and response to comments will be made available to the public on the permitting authority's website; and

(VII) The values become effective on the date of final publication. The permitting authority shall finalize the values within thirty (30) days from the end of the public comment period.

7. Special considerations for stack heights and dispersion techniques.

A. The degree of emission limitation necessary for control of any air pollutant under this rule is not affected in any manner by—

(I) That amount of the stack height of any installation exceeding GEP stack height; or

(II) Any other dispersion technique.

B. Paragraph (5)(F)7. of this rule does not apply to stack heights on which construction commenced on or before December 31, 1970, or to dispersion techniques implemented on or before December 31, 1970.

C. Before the permitting authority issues a permit under this rule based on stack heights that exceed GEP, the permitting authority must notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

D. This paragraph does not require that actual stack height or the use of any dispersion technique be restricted in any manner.

(7) Nonattainment Area Major Permits.

(A) Definitions. Solely for the purposes of this section, the following definitions apply to terms in place of definitions for which the term is defined elsewhere, including the reference to 40 CFR 52.21 in paragraph (7)(B)6. of this rule:

1. Chemical process plant—These plants include ethanol production facilities that produce ethanol by natural fermentation included in [NAICS] North American Industry Classification System codes 325193 or 312140; and

2. The following terms defined under paragraphs (a)(1)(iv) through (vi) and (x) of 40 CFR 51.165 promulgated as of July 1, 2018, are hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions:

[2.]A. Major stationary source [is defined in 40 CFR 51.165(a)(1)(iv) as specified in 10 CSR 10-6.030(21)];

[3.]B. Major modification [is defined in 40 CFR 51.165(a)(1)(v) as specified in 10 CSR 10-6.030(21)], except that any incorporated provisions that are stayed shall not apply. The term major, as used in this definition, means major for the nonattainment pollutant;

[4.]C. Net emissions increase [is defined in 40 CFR 51.165(a)(1)(vi) as specified in 10 CSR 10-6.030(21)]; and

[5.]D. Significant [is defined in 40 CFR 51.165(a)(1)(x) as specified in 10 CSR 10-6.030(21)].

(B) Applicability Procedures. The following provisions of this subsection are used to determine, prior to beginning actual construction, if a project is a new major stationary source or a major modification at an existing stationary source:

1. Except for sources with a [Plantwide Applicability Limit (PAL)] PAL in compliance with subsection (7)(D) of this rule, and in accordance with the definition of the term major modification contained in subparagraph (7)(A)/3.2.B. of this rule, a project is a major modification if it causes two (2) types of emissions increases for the nonattainment pollutant—a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase;

2. The emissions increase from the project is determined by taking the sum of the emissions increases from each emissions unit affected by the project. An emissions unit is considered to be affected by the project if an emissions increase from the unit would occur as a result of the project, regardless of whether a physical change or change in the method of operation will occur at the particular emissions unit;

3. For each existing emissions unit affected by the project, the emissions increase is determined by taking the difference between the projected actual emissions for the completed project and the baseline actual emissions. In accordance with the definition of the term projected actual emissions [found in] under 40 CFR 52.21 as [referred to in section (2)] incorporated by reference in subsection (8)(A) of this rule, the owner or operator of the major stationary source may elect to use the existing emission unit's potential to emit in lieu of the projected actual emissions for this calculation;

4. For each new emissions unit affected by the project, the emissions increase is equal to the potential to emit;

5. The procedure for calculating the net emissions increase (the significance of which is the second criterion for determining if a project is a major modification) is contained in the definition of the term net emissions increase found in section (2) of this rule; and

6. The provisions of subsection (7)(B) of this rule do not apply to a source or modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification, and the source does not belong to one (1) of the source categories listed in items (i)(1)(vii)(a)–(aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule.

(C) Permit Requirements. Permits to construct a new major stationary source for the nonattainment pollutants, or for a major modification to an existing major stationary source of nonattainment pollutants, must meet the following to be issued:

1. By the time the source is to commence operation, sufficient emissions offsets shall be obtained to ensure reasonable further progress toward attainment of the applicable *[national ambient air quality standard]* NAAQS and consistent with the requirements of paragraphs (a)(3) and (a)(9) of 40 CFR 51.165[(a)(3) and (9) as specified in 10 CSR 10-6.030(21)] promulgated as of July 1, 2018, and hereby incorporated by reference in this section, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions;

2. In the case of a new or modified installation located in a zone (within the nonattainment area) identified by the administrator, in consultation with the Secretary of Housing and Urban Development, as a zone for which economic development should be targeted, emissions of that pollutant resulting from the proposed new or modified installation will not cause or contribute to emissions levels exceeding the allowance permitted for that pollutant for that zone from new or modified installations;

3. Offsets have been obtained in accordance with paragraph (7)(C)1. and with the banking procedures in 10 CSR 10-6.410;

4. The administrator has not determined that the state implementation plan is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified;

5. Temporary installation and portable sources are exempt from this section provided that the source applies **best available control technology** (BACT) for each pollutant emitted in a significant amount;

6. The applicant provides documentation establishing that all installations in Missouri, which are owned or operated by the applicant, (or by any entity controlling, controlled by, or under common control with the applicant) are subject to emission limitations and are in compliance, or are on a schedule for compliance, with all applicable requirements;

7. Permit applications include a control technology evaluation to demonstrate that any new major stationary source or major modification will meet the lowest achievable emission rate (LAER) for all new or modified emission units, unless otherwise provided in this section;

8. Any new major stationary source or major modification to be constructed in an area designated nonattainment complies with LAER as determined by the director and set forth in the construction permit pursuant to this section, except where otherwise provided in this section;

9. The applicant provides an alternate site analysis; and

10. The applicant provides an analysis of impairment to visibility in any Class I area (those designated in 40 CFR 52.21 as incorporated by reference in subsection (8)(A) of this rule) that would occur as a result of the installation or major modification and as a result of the general, commercial, residential, industrial, and other growth associated with the installation or major modification.

(D) Plantwide Applicability Limits (PALs). The provisions of subsection (aa) of 40 CFR 52.21, which is incorporated by reference in subsection (8)(A) of this rule, govern PALs of the nonattainment pollutant for projects at existing major stationary sources in an area designated nonattainment, except that—

1. The term Administrator means the director of the Missouri Department of Natural Resources' Air Pollution Control Program;

2. The term BACT or LAER and the term BACT are both considered LAER for the nonattainment pollutant;

3. The term *[Prevention of Significant Deterioration (PSD)]* PSD program, as it appears in 40 CFR 52.21(aa)(1)(ii)(b), and the term major NSR program, as it appears in 52.21(aa)(1)(ii)(c), are

both nonattainment area permit programs of this section; and

4. The director shall not allow a PAL for VOC or *[NO_x]* NO_x for any existing major stationary source located in an extreme ozone nonattainment area.

(9) Major Case-by-Case Hazardous Air Pollutant Permits. Case-by-case permits must meet the requirements of 40 CFR 63, subpart B *[as specified in paragraph (3)(A)1. of 10 CSR 10-6.075]* promulgated as of July 1, 2018, and hereby incorporated by reference in this rule, as published by the Office of the Federal Register. Copies can be obtained from the U.S. Publishing Office Bookstore, 710 N. Capitol Street NW, Washington, DC 20401. This rule does not incorporate any subsequent amendments or additions. Before issuing a permit subject to this section, the permitting authority will issue a draft permit and related materials for public comment in accordance with the procedures for public participation as specified in subsection (12)(A), Appendix A of this rule.

(12) Appendices.

(A) Appendix A, Public Participation.

1. This subsection shall apply to applications under sections (7), (8), and (9) of this rule, applications for source operations or installations emitting five (5) or more tons of lead per year, and applications containing GEP stack height demonstrations that exceed GEP.

2. For those applications subject to section (7), (8), or (9) of this rule, the permit issuance process timeline of one hundred eighty-four (184) days includes a forty (40)-day public comment period with an opportunity for a public hearing and the period for the permitting authority's response to comments that were submitted during the public comment period.

A. Draft for public comment and public hearing opportunity. The permitting authority shall issue a draft permit and solicit comments and requests for a public hearing by publishing a notice in a newspaper of general circulation within or nearest to the county in which the project is proposed to be constructed or operated. In lieu of the newspaper notice, the notice may be an electronic notice posted on the department's website.

B. Public notice. The public notice shall include the following:

(I) Name, address, phone number, and representative of the agency issuing the public notice;

(II) Name and address of the applicant;

(III) A description of the proposed project, including its location and permits applied for;

(IV) For permits issued pursuant to section (7), a description of the amount and location of emission reductions that will offset the emissions increase from the new or modified source; and include information on how LAER was determined for the project, when appropriate;

(V) For permits issued pursuant to section (8), the degree of increment consumption, when appropriate;

(VI) The permitting authority's draft permit and a statement of permitting's authority to approve, approve with conditions, or deny a permit;

(VII) A statement that the public may request a public hearing on the draft permit as stated in subparagraph (12)(A)2.E. of this rule and that the public hearing will be canceled if a request is not received;

(VIII) A statement that any interested person may submit relevant information materials and views on the draft permit as stated in subparagraph (12)(A)2.F. of this; and

(IX) The time and location of the public hearing if one is requested.

C. Materials made available during the public notice period. The following materials shall be made available for public inspection during the entire public notice period at the Department of Natural Resources regional office in the region in which the proposed installation or major modification would be constructed, as well as at the

Air Pollution Control Program office./.):

(I) A copy of materials submitted by the applicant and used in making the draft permit;

(II) A copy of the draft permit; and

(III) A copy or summary of other materials, if any, considered in making the draft permit.

D. Distribution of public notice. At the start of the public notice period, the permitting authority sends a copy of the public notice to the following:

(I) The applicant; and

(II) To officials and agencies having cognizance over the location where the proposed construction would occur as follows:

(a) The administrator;

(b) Local air pollution control agencies;

(c) The chief executive of the city and county where the installation or modification would be located;

(d) Any comprehensive regional land use planning agency;

(e) Any state air program permitting authority;

(f) Any Federal Land Manager *[(FLM)]* whose lands may be affected by emissions from the installation or modification; and

(g) Any Indian Governing Body whose lands may be affected by emissions from the installation or modification.

E. Public hearing.

(I) A public hearing shall be scheduled not less than thirty (30) nor more than forty (40) days from the date of publication of the notice.

(II) The public hearing will be held by the department if a public hearing request is received within twenty-eight (28) days of the publication of the notice, otherwise the public hearing will be canceled.

(III) At the public hearing, any interested person may submit any relevant information, materials, and views in support of or opposed to the permit.

(IV) The public hearing shall be held in the county in which all or a major part of the proposed project is to be located.

(V) The permitting authority may designate another person to conduct any hearing under this section.

F. Public comment. Any interested person may submit relevant information materials and views to the permitting authority, in writing, until the end of the fortieth day after the date of publication of the notice for public hearing.

G. Public comment and applicant response. The permitting authority shall consider all written comments submitted within the time specified in the public notice and all comments received at the public hearing, if one is held, in making a final decision on the approvability of the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The permitting authority shall consider the applicant's response in making a final decision. The permitting authority shall make all comments available for public inspection in the same locations where the permitting authority made available prehearing information relating to the proposed installation or modification. Further, the permitting authority shall prepare a written response to all comments under the purview of the Air Pollution Control Program and make them available at the locations referred to previously.

H. Final permit. The permitting authority shall make the final permit available for public inspection at the same locations where the permitting authority made available prehearing information and public comments relating to the installation or modification. The permitting authority shall submit a copy of this final permit to the administrator.

I. Public notice exception. If the administrator has provided public notice and opportunity for public comment and hearing equivalent to that provided by this subsection, the permitting authority may make a final determination without providing public notice and

opportunity for public comment and hearing required by this subsection.

3. This paragraph is for those applications not subject to section (7), (8), or (9) of this rule, but which propose an emission of five (5) or more tons of lead per year or applications containing GEP stack height demonstrations. For these applications, completing the final determination within ninety (90) calendar days after receipt of the complete application involves performing the same public participation activities as those subject to section (7), (8), or (9) of this rule, but within shorter time frames. The following specifies the new time frames:

A. Public notice shall begin no later than forty-five (45) calendar days after receipt of a complete application;

B. The public comment period will last for thirty (30) calendar days, starting with the public notice;

C. Public hearing—The public hearing will be scheduled between days twenty-three (23) and thirty (30). The permitting authority will accept comments up to the thirtieth day; and

D. Applicant response—No later than five (5) calendar days after the end of the public comment period, the applicant may submit a written response to any comments submitted.

(B) Appendix B, Unified Review. When the construction or modification and operation of any installation requires a construction permit under this rule, and an operating permit or its amendment, under 10 CSR 10-6.065, the installation will receive a unified construction and operating permit, or its amendment, and a unified review, hearing, and approval process, unless the applicant requests in writing that the application for a construction and operating permit, or its amendment, be reviewed separately. Under this unified review process, the applicant shall submit all the applications, forms, and other information required by the permitting authority.

1. Review of applications. The permitting authority completes any unified review within one hundred eighty-four (184) calendar days, as provided under the procedures of this rule and 10 CSR 10-6.065, Operating Permits Required.

2. Issuance of permits. As soon as the unified review process is completed, if the applicant complies with all applicable requirements under this rule and 10 CSR 10-6.065, the construction permit and the operating permit, or its amendment, is issued to the applicant and the applicant may commence construction. The permitting authority will retain the operating permit until validated pursuant to this section.

3. Validation of operating permits. Within one hundred eighty (180) calendar days after commencing operation, the holder of an operating permit, or its amendment, issued by the unified review process shall submit to the permitting authority all information required by the permitting authority to demonstrate compliance with the terms and conditions of the issued operating permit, or its amendment. The permittee shall also provide information identifying any applicable requirements that became applicable subsequent to issuance of the operating permit. Within thirty (30) calendar days after the applicant's request for validation, the permitting authority will take action denying or approving validation of the issued operating permit, or its amendment. If the permittee demonstrates compliance with both the construction and operating permits, or its amendment, the permitting authority validates the operating permit, or its amendment, and forwards it to the permittee. No part 70 permit will be validated unless—

A. At the time of validation, the permitting authority certifies that the issued permit contains all applicable requirements; or

B. The procedures for permit renewal in 10 CSR 10-6.065(6)(E)3. have occurred prior to validation to ensure the inclusion of any new applicable requirements to which the part 70 permit is subject.

4. Additional procedures needed for unified reviews of this rule's section (4), (5), (6), (7), (8), (9), or (10) unified review construction permit applications and part 70 operating permit applications.

A. Permit review by the administrator and affected states.

(I) Administrator review.

(a) Copies of applications, proposals, and final actions. The applicant will provide two (2) copies of the information included in an application. The permitting authority will forward to the administrator one (1) copy of each permit application and each final operating permit.

(b) Administrator's objection. No permit shall be issued under this rule if the administrator objects to its issuance in writing within forty-five (45) days after receipt of the proposed permit and all necessary supporting information.

(c) Failure to respond to objection. If the permitting authority does not respond to an objection of the administrator by transmitting a revised proposed permit within ninety (90) calendar days after receipt of that objection, the administrator may issue or deny the permit in accordance with the [Act] CAA.

(d) Public petitions for objection. If the administrator does not object to a proposed permit action, any person may petition the administrator to make such an objection within sixty (60) days after expiration of the administrator's forty-five (45)-day review period.

I. This petition may only be based on objections raised during the public review process, unless the petitioner demonstrates that it was impracticable to raise objection during the public review period (including when the grounds for objection arose after that period).

II. If the administrator responds to a petition filed under this section by issuing an objection, the permitting authority will not issue the permit until the objection has been resolved. If the permit was issued after the administrator's forty-five (45)-day review period, and prior to any objection by the administrator, the permitting authority shall treat that objection as if the administrator were reopening the permit for cause. In these circumstances, the petition to the administrator does not stay the effectiveness of the issued permit, and the permittee shall not be in violation of the requirement to have submitted a complete and timely permit application.

(II) Affected state review.

(a) Notice of draft actions. The permitting authority will give notice of each draft permit to any affected state on or before the time that the permitting authority provides notice to the public. Affected states may comment on the draft permit action during the period allowed for public comment, as shall be set forth in a notice to affected states.

(b) Refusal to accept recommendations. If the permitting authority refuses to accept all recommendations for a proposed permit action that any affected state has submitted during the review period, the permitting authority shall notify the administrator and the affected state in writing of its reasons for not accepting those recommendations.

B. Proposals for review. Following the end of the public comment period, the permitting authority shall prepare and submit to the administrator a proposed permit.

(I) The proposed permit shall be issued no later than forty-five (45) days after the deadline for final action under this section and shall contain all applicable requirements that have been promulgated and made applicable to the installation as of the date of issuance of the draft permit.

(II) If new requirements are promulgated or otherwise become newly applicable to the installation following the issuance of the draft permit, but before issuance of a final permit, the permitting authority may elect to either—

(a) Extend or reopen the public comment period to solicit comments on additional draft permit provisions to implement the new requirements; or

(b) If the permitting authority determines that this extension or reopening of the public comment period would delay issuance of the permit unduly, the permitting authority may include in the proposed or final permit, or both, a provision stating that the operating

permit will be reopened immediately to incorporate the new requirements and stating that the new requirements are excluded from the protection of the permit shield. If the permitting authority elects to issue the proposed or final permit, or both, without incorporating the new requirements, the permitting authority, within thirty (30) calendar days after the new requirements become applicable to the source, shall institute proceedings pursuant to this section to reopen the permit to incorporate the new requirements. These reopening proceedings may be instituted, but need not be completed, before issuance of the final permit.

C. Action following the administrator's review.

(I) Upon receipt of notice that the administrator will not object to a proposed permit that has been submitted for the administrator's review pursuant to this section, the permitting authority shall issue the permit as soon as practicable, but in no event later than the fifth day following receipt of the notice from the administrator.

(II) Forty-five (45) days after transmittal of a proposed permit for the administrator's review, and if the administrator has not notified the permitting authority that s/he objects to the proposed permit action, the permitting authority shall promptly issue the permit, but in no event later than the fiftieth day following transmittal to the administrator.

(III) If the administrator objects to the proposed permit, the permitting authority shall consult with the administrator and the applicant, and shall submit a revised proposal to the administrator within ninety (90) calendar days after the date of the administrator's objection. If the permitting authority does not revise the permit, the permitting authority will so inform the administrator within ninety (90) calendar days following the date of the objection and decline to make those revisions. If the administrator disagrees with the permitting authority, the administrator may issue the permit with the revisions incorporated.

AUTHORITY: section 643.050, RSMo 2016. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 26, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 3, 2019. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., December 10, 2019. Send online comments via the proposed rules web page www.dnr.mo.gov/proposed-rules, email comments to apcprulespn@dnr.mo.gov, or written comments to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 12—Hazardous Waste Fees and Taxes**

PROPOSED AMENDMENT

10 CSR 25-12.010 Fees and Taxes. The department is amending

section (1).

PURPOSE: The proposed amendments of this rule relate to the hazardous waste fee structure for hazardous waste generators and permitted hazardous waste treatment, storage, and disposal facilities in Missouri. Sections 260.380.1(10)(d) and 260.475.8 RSMo give the Missouri Department of Natural Resources the authority to conduct a comprehensive review of the hazardous waste fee structure and to develop proposed changes to the fee structure. These changes were developed by the Hazardous Waste Fee Stakeholder Workgroup. The commission proposes to amend section (1) of the rule, including the addition of a new subsection (G).

(1) Hazardous Waste Fees Applicable to Generators of Hazardous Waste. The fees in this section apply notwithstanding any conflicting language in any other rule regarding the amount of any of the fees listed in this section.

(E) Registration Fee. A generator subject to registration in accordance with 10 CSR 25-5.262 shall pay the following registration fees, **except as specified below in subsection (1)(G)**:

1. All new generator registration and renewal fees will be based upon the generator status of the generator. The fee schedule is as follows:

A. A generator registering as a Large Quantity Generator shall pay a registration fee of five hundred dollars (\$500);

B. A generator registering as a Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee of one hundred fifty dollars (\$150);

2. A registration fee will be paid with the submittal of the registration form required by 10 CSR 25-5.262 when one (1) of the following is true:

A. The generator is applying for a new ID number (initial registration);

B. The generator is reactivating an existing ID number that had been inactivated;

C. There has been a change in the ownership of the generator (initial registration for the new company); and

D. A SQG or CESQG who changes their generator status to LQG and has already paid the one hundred fifty dollar (\$150) registration fee for the year as required by this subsection shall pay three hundred fifty dollars (\$350) with the submittal of the required registration form;

3. The following constitutes the procedure for registration renewal:

A. The amount of the registration renewal fee is also based upon the generator status of the generator at the time the invoice is generated and uses the same schedule as the registration fee;

B. The calendar year shall constitute the annual registration period;

C. Annual registration renewal billings will be sent by December 1 of each year to all generators holding an active registration;

D. Any generator initially registering between October 1 and December 31 of any given year shall pay the initial registration fee, but not the annual renewal fee for the calendar year immediately following their initial registration. From that year forward, they shall pay the annual renewal fee;

E. Any generator subject to registration who fails to pay the annual renewal fee by the due date specified on the billing shall be administratively inactivated and subject to enforcement action for failure to properly maintain their registration;

F. Generators administratively inactivated for failure to pay the renewal fee in a timely manner, who later in the same registration year pay the annual renewal fee, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee for each applicable registration year and shall file an updated generator registration form

with the department before their registration is reactivated by the department;

G. Generators who request that their registration be made inactive rather than pay the renewal fee, who later in that same renewal year pay the annual renewal fee to reactivate their registration, shall pay a fifteen percent (15%) late fee in addition to the annual renewal fee and file an updated generator registration form with the department before their registration is reactivated by the department; and

H. The department will immediately revoke the registration of any person who pays the annual renewal fee with what is found to be an insufficient check; and

4. Large quantity generator registration renewal petition process. A generator may petition to have a single large quantity generator registration renewal fee cover multiple generator sites with different ID numbers as long as at least one (1) generator site is a large quantity generator and the generator can demonstrate to the satisfaction of the department that each of the following conditions has been met:

A. All of the generator sites are owned or leased by the same person and all are under control of the same person;

B. The generator provides a single point of contact for all generator sites within the group;

C. Each generator site is adjacent to a property that also shares a border with at least one (1) other generator site in the group, or all generator sites are accessible by a common roadway, or all generator sites are within the recognized boundaries of an industrial park, warehouse district, research campus, or academic campus, provided that all generator sites are in close proximity to one another and can be inspected as a single facility;

D. The generator submits a map that shows the location of each generator site covered by the single registration fee;

E. All of the generator sites share a single contingency plan, a single repository for required records, and a unified training plan that covers all of the large quantity and small quantity generator sites; and

F. The generator must submit an updated petition and map any time a generator site is added to or removed from the group and each generator site must have an existing ID number before it can be added to the group.

(G) Temporary fee structure for registration and renewal fees for calendar years 2021 and 2022 only. The fee structure established below is in place for calendar years 2021 and 2022.

1. All new generator registration and registration renewal fees accruing before January 1, 2021, will be assessed at the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C. All new generator registration and registration renewal fees accruing during calendar years 2021 and 2022 will be assessed by the department at the following rates:

A. A generator registering as a Large Quantity Generator shall pay a registration fee not to exceed one thousand one hundred and fifty dollars (\$1150);

B. A generator registering as a Small Quantity Generator shall pay a registration fee not to exceed three hundred and sixty dollars (\$360); and

C. A generator registering as a Conditionally Exempt Small Quantity Generator shall pay a registration fee not to exceed one hundred seventy-five dollars (\$175).

All new generator registration and registration renewal fees accruing on or after January 1, 2023, will revert back to the amounts established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

2. Registration renewal fees for owners of multiple hazardous waste generator ID numbers.

A. For individuals or companies that own multiple sites for which they obtain hazardous waste ID numbers, the fees established in this section will only be assessed on:

(I) The first 5 Large Quantity Generator ID numbers;

and

(II) The first 10 Small Quantity Generator ID numbers;

and

(III) The first 15 Conditionally Exempt Small Quantity Generator ID numbers.

B. The remainder of the hazardous waste generator ID numbers will be assessed the regular registration renewal fee established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

C. Generators are responsible for providing documentation required to verify common ownership of the multiple hazardous waste ID numbers and also for providing a list of all of their ID numbers and indicate which ID numbers are to be assessed the temporary rates established in this section, as well as which ID numbers will be assessed at the rates established in 10 CSR 25-12.010(1)(E)1.A. through (1)(E)1.C.

3. All new generator registrations and reactivations of ID numbers accruing during calendar years 2021 and 2022 shall pay the full amount established in the temporary fee structure.

AUTHORITY: sections 260.370, 260.390, 260.395, and 260.437, RSMo 2016, and sections 260.380, 260.391, and 260.475, RSMo Supp. [2018] 2019.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-eight thousand four hundred and ninety dollars (\$48,490) in the aggregate each year for two calendar years.

PRIVATE COST: This proposed amendment will cost private entities four hundred fifty-five thousand seven hundred fifty dollars (\$455,750) in the aggregate each year for two calendar years.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action beginning at 10:00 a.m. on November 1, 2019, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 8, 2019. Written comments shall be sent to the director of the Environmental Remediation Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be post-marked by midnight on November 8, 2019. Email comments shall be sent to tim.eiken@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Environmental Remediation Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name	<i>10 CSR 25-12.010 Hazardous Waste Fees and Taxes</i>
Type of Rulemaking	<i>Amendment</i>

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<i>70</i>	<i>Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$1,529</i>
<i>156</i>	<i>Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$28,995</i>
<i>35</i>	<i>Large Quantity Generators paying the generator registration and renewal fee</i>	<i>\$17,966</i>
<i>Total Estimated Cost to Private Entities</i>		<i>\$48,490</i>

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from \$150 to \$175 for conditionally-exempt small quantity generators; from \$150 to \$360 for small quantity generators; and from \$500 to \$1150 for large quantity generators

Generator Registration Fee Calculations

The temporary increase in the hazardous waste generator registration fee would generate \$599,970 per year for two years, minus a discounted amount of \$95,730 for generators claiming the multiple ID number discount. The net revenue increase would equal \$504,240 to the Department per year for 2 years.

Generator Registration and Renewal

Conditionally-Exempt Small Quantity Generators (CESQGs)

- 536 registered CESQGs
- Projected fee increase from \$150 to \$175
- Additional amount is \$25 per CESQG
- 536 registered CESQGs x \$25
- \$13,400 in additional revenue from registration and renewal fees for CESQGs

Small Quantity Generators (SQGs)

- 1,422 registered SQGs
- Projected fee increase from \$150 to \$360
- Additional amount is \$210 per SQG
- 1,422 registered SQGs x \$210
- \$298,620 in additional revenue from registration and renewal fees for SQGs

Large Quantity Generators (LQGs)

- 443 registered LQGs
- Projected fee increase from \$500 to \$1150
- Additional amount is \$650 per LQG
- 443 registered LQGs x \$650
- \$287,950 in additional revenue from registration and renewal fees for LQGs

Total additional fees: \$599,970 from CESQGs, SQGs, and LQGs minus \$95,730 in discounts equals \$504,240 net revenue to the Department per year for two years

Hazardous waste generators - public versus private entities

The spreadsheet prepared by the Department estimating revenue of \$599,970 is based on the following number of generators in each category:

Conditionally Exempt Small Quantity Generators	536
Small Quantity Generators	1,422
Large Quantity Generators	443

For the estimates in this fiscal note, Department staff queried the Department's database of hazardous waste generators. Based on this query, the Department estimates the following numbers of public entities in each generator category:

- 436 out of a total of 3,264 CESQGs are public entities for a total of 13%;
- 196 out of a total of 1,720 SQGs are public entities for a total of 11%; and
- 40 out of a total of 478 LQGs are public entities for a total of 8%.

Therefore, applying the above percentages to the numbers of generators in each category used in the spreadsheet to estimate the revenue amount to be produced by this amendment, the numbers of current, active affected generators in each category that are public entities are as follows:

CESQGs = 536 x 13% = 70 CESQGs that are public entities
SQGs = 1,422 x 11% = 156 SQGs that are public entities
LQGs = 443 x 8% = 35 LQGs that are public entities

Additional cost to comply with generator registration and renewal fee for public CESQGs = 70 x \$25 (increase in generator registration and renewal fee for CESQGs) = \$1,750

Additional cost to comply with generator registration and renewal fee for public SQGs = 156 x \$210 (increase in generator registration and renewal fee for SQGs) = \$32,760

Additional cost to comply with generator registration and renewal fee for public LQGs = 35 x \$650 (increase in generator registration and renewal fee for LQGs) = \$22,750

Multiple hazardous waste ID number discount

- The Department estimates that a certain number of CESQGs, SQGs, and LQGs will be eligible for and will claim the discount provided in the rule.
- The rule states that the increased rates are only applied to the first 5 LQGs, 10 SQGs, and 15 CESQGs, with the remainder to be assessed at the regular rates.
- To determine how many generators in each category would qualify for the discount, the Department queried the hazardous waste generator database to determine how many generators within each generator category shared common ownership information.
- Based on that query, the Department determined a total of 4 LQGs, 5 SQGs, and 3 CESQGs owned multiple ID numbers and qualified for the discount.
- For the purposes of this fiscal note, the Department assumed that all eligible generators within each category claimed the discount.
- The discount would reduce the revenue generated in the following amounts for each generator category:
 - A total of \$1,700 for CESQGs
 - A total of \$34,230 for SQGs
 - A total of \$59,800 for LQGs
- Using the percentages of public entities in each generator category as above, the total discounted amount is then apportioned among private and public entities as follows:

Public Entities

- \$1,700 x 13% = \$221
- \$34,230 x 11% = \$3,765
- \$59,800 x 8% = \$4,784

- Total Discount = \$8,770

Private Entities

- $\$1,700 \times 87\% = \$1,479$
 - $\$34,230 \times 89\% = \$30,465$
 - $\$59,800 \times 92\% = \$55,016$
 - Total Discount = \$86,960
- Net amount attributed to increased generator registration and renewal fees for public entities after multiple ID number discount = \$57,260 (total fees) - \$8,770 (discount) = \$48,490 (net revenue).

IV. Assumptions

1. The Department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the Department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the Department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process, because to prepare the estimates for the workgroup, the Department used actual revenues collected from the registration and renewal fee. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	<i>10 CSR 25-12.010 Hazardous Waste Fees and Taxes</i>
Type of Rulemaking	<i>Amendment</i>

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<i>466</i>	<i>Conditionally Exempt Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$10,171</i>
<i>1,266</i>	<i>Small Quantity Generators paying the generator registration and renewal fee</i>	<i>\$235,395</i>
<i>408</i>	<i>Large Quantity Generators paying the generator registration and renewal fee</i>	<i>\$210,184</i>
<i>Total Estimated Cost to Private Entities</i>		<i>\$455,750</i>

III. Worksheet

The purpose of this proposed rulemaking is to amend the hazardous waste fee rule to reflect the following increased fees agreed to by the hazardous waste fee stakeholder workgroup:

- Hazardous waste generator registration and renewal fee - increased from \$150 to \$175 for conditionally-exempt small quantity generators; from \$150 to \$360 for small quantity generators; and from \$500 to \$1150 for large quantity generators.

Generator Registration Fee Calculations

The temporary increase in the hazardous waste generator registration fee would generate \$599,970 per year for two years, minus a discounted amount of \$95,730 for generators claiming the multiple ID number discount. The net revenue increase would equal \$504,240 to the Department per year for 2 years.

Generator Registration and Renewal

Conditionally-Exempt Small Quantity Generators (CESQGs)

- 536 registered CESQGs
- Projected fee increase from \$150 to \$175
- Additional amount is \$25 per CESQG
- 536 registered CESQGs x \$25
- \$13,400 in additional revenue from registration and renewal fees for CESQGs

Small Quantity Generators (SQGs)

- 1,422 registered SQGs
- Projected fee increase from \$150 to \$360
- Additional amount is \$210 per SQG
- 1,422 registered SQGs x \$210
- \$298,620 in additional revenue from registration and renewal fees for SQGs

Large Quantity Generators (LQGs)

- 443 registered LQGs
- Projected fee increase from \$500 to \$1150
- Additional amount is \$650 per LQG
- 443 registered LQGs x \$650
- \$287,950 in additional revenue from registration and renewal fees for LQGs

Total additional fees: \$599,970 from CESQGs, SQGs, and LQGs minus \$95,730 in discounts equals \$504,240 net revenue to the Department per year for two years

Hazardous waste generators - public versus private entities

The spreadsheet prepared by the Department estimating revenue of \$599,970 is based on the following number of generators in each category:

Conditionally Exempt Small Quantity Generators	536
Small Quantity Generators	1,422
Large Quantity Generators	443

For the estimates in this fiscal note, Department staff queried the Department's database of hazardous waste generators. Based on this query, the Department estimates the following numbers of private entities in each generator category:

- 2,828 out of a total of 3,264 CESQGs are private entities, for a total of 87%;
- 1,524 out of a total of 1,720 SQGs are private entities, for a total of 89%; and
- 438 out of a total of 478 LQGs are private entities, for a total of 92%

Therefore, applying the above percentages to the numbers of generators in each category used in the spreadsheet to estimate the revenue amount to be produced by this amendment, the numbers of current, active affected generators in each category that are private entities are as follows:

CESQGs = 536 x 87% = 466 CESQGs that are private entities
SQGs = 1,422 x 89% = 1,266 SQGs that are private entities
LQGs = 443 x 92% = 408 LQGs that are private entities

Additional cost to comply with generator registration and renewal fee for private CESQGs = 466 x \$25 (increase in generator registration and renewal fee for CESQGs) = \$11,650.

Additional cost to comply with generator registration and renewal fee for private SQGs = 1,266 x \$210 (increase in generator registration and renewal fee for SQGs) = \$265,860.

Additional cost to comply with generator registration and renewal fee for private LQGs = 408 x \$650 (increase in generator registration and renewal fee for LQGs) = \$265,200.

Multiple hazardous waste ID number discount

- The Department estimates that a certain number of CESQGs, SQGs, and LQGs will be eligible for and will claim the discount provided in the rule.
- The rule states that the increased rates are only applied to the first 5 LQGs, 10 SQGs, and 15 CESQGs, with the remainder to be assessed at the regular rates.
- To determine how many generators in each category would qualify for the discount, the Department queried the hazardous waste generator database to determine how many generators within each generator category shared common ownership information.
- Based on that query, the Department determined a total of 4 LQGs, 5 SQGs, and 3 CESQGs owned multiple ID numbers and potentially qualified for the discount.
- For the purposes of this fiscal note, the Department assumed that all eligible generators within each category claimed the discount.
- The discount would reduce the revenue generated in the following amounts for each generator category:
 - A total of \$1,700 for CESQGs
 - A total of \$34,230 for SQGs
 - A total of \$59,800 for LQGs
- Using the percentages of public entities in each generator category as above, the total discounted amount is then apportioned among private and public entities as follows:

Public Entities

- \$1,700 x 13% = \$221
- \$34,230 x 11% = \$3,765
- \$59,800 x 8% = \$4,784

- Total Discount = \$8,770

Private Entities

- $\$1,700 \times 87\% = \$1,479$
 - $\$34,230 \times 89\% = \$30,465$
 - $\$59,800 \times 92\% = \$55,016$
 - Total Discount = \$86,960
- Net amount attributed to increased generator registration and renewal fees for private entities after multiple ID number discount = \$542,710 (total fees) - \$86,960 (discount) = \$455,750 (net revenue).

IV. Assumptions

1. The Department assumes that the estimated amount of additional revenue from the generator registration and renewal fee for each category of generators is a reasonable estimate. For the generator registration and renewal fee estimates, the Department queried the database to determine the current number of registered generators. Because generators are registering and inactivating their registrations on a daily basis, generator numbers can vary from day to day and from week to week. Because current numbers were used to provide the estimates in this fiscal note, the number of generators in each category and the associated amount of additional revenue expected to be generated from the revised registration and renewal fees on those generators is slightly different from the projections the Department used during the Hazardous Waste Fee Stakeholder Workgroup process. The numbers are also slightly different from those used in the workgroup process because to prepare the estimates for the workgroup the Department used actual revenues collected from the registration and renewal fee. Actual revenues may be slightly different from projected revenues because they do not include fees that are due but are not collected, and also include some revenues that were due in previous years.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection**

PROPOSED RESCISSION

11 CSR 50-2.430 Verification of Homemade Trailers. This rule provided instructions and guidelines for the completion of verification of homemade trailers.

PURPOSE: This rule is being rescinded in response to legislative approval of SB 89, signed by Governor Parson on July 10, 2019, effective August 28, 2019, which removes the authority of official motor vehicle safety inspection stations to complete verifications of homemade trailers.

AUTHORITY: section 307.360, RSMo 2000. Emergency rule filed Aug. 15, 1984, effective Sept. 1, 1984, expired Dec. 30, 1984. Original rule filed Sept. 12, 1984, effective Jan. 1, 1985. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 29, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Public Safety, Missouri State Highway Patrol, Post Office Box 568, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.090 Back the Blue Special Plate Donation Processing

PURPOSE: This rule codifies Back the Blue Special Plate Donation procedures authorized in Section 301.3175, as amended by the 101st General Assembly, TAFP HB 898.

(1) Payment of the initial ten-dollar (\$10.00) contribution by registrants who do not present a receipt issued by the Missouri Law Enforcement Memorial Foundation may be made directly to the Department of Revenue at the time of application for the Back the Blue special plate, and distribution of donations made directly to the Department of Revenue will be disbursed to the Missouri Law Enforcement Memorial Foundation at a reasonable frequency set forth by the Director of Revenue, but no less frequently than twice each fiscal year.

AUTHORITY: section 301.3175, RSMo Supp. 2019. Original rule filed Aug. 28, 2019.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities

more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.060 Dealer License Plates/Certificates of Number. The director is amending sections (1) and (3), adding new sections (4)–(7), and renumbering as necessary.

PURPOSE: This rule revision provides administrative procedures and restrictions regarding the new dealer plate use authorized in TAFP HB 926 and TAFP SB 368.

(1) Dealer license plates, other than powersport dealer license plates, shall be of standard size (approximately twelve inches by six inches (12" × 6")) and may only be used as provided by law.

(D) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" × 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers, and personal watercraft.

(3) Dealer license plates or certificates of number may only be used by an employee, owner or officer of the licensee, or customer test driving the motor vehicle, trailer, or vessel, or by a customer whose vehicle is being serviced or repaired at the dealership.

(4) A customer who is having a motor vehicle serviced may only operate a motor vehicle owned by the dealership at which the vehicle is being serviced while using the dealership's dealer license plates for a duration not to exceed two (2) business days. "Service" is defined in this rule is a regular maintenance procedure performed on a motor vehicle at a set time interval or after a vehicle reaches a certain mileage threshold.

(5) A customer who is having a vehicle repaired may only operate a motor vehicle owned by the dealership at which the vehicle is being repaired while using the dealership's dealer license plates for a duration not to exceed twenty-four (24) business days. "Repair" as defined in this rule is a procedure performed on a motor vehicle to fix or mend the vehicle due to the vehicle's damage, malfunction, or inoperability, including any procedure performed on a motor vehicle upon recall of the vehicle or any of its components by the vehicle's manufacturer or the National Highway Traffic Safety Administration.

(6) A customer who is test driving a vehicle or vessel for more than forty-eight (48) hours, or who is test driving a tractor, truck, or a trailer under loaded conditions, must have a written demonstration agreement in the vehicle which has been signed and dated by both the customer and the licensee. The written demonstration agreement must be on the licensee's letterhead and include the following items:

(A) A statement that the vehicle or vessel is being used for demonstration purposes only and the anticipated duration of the demonstration;

(B) A description of the vehicle or vessel, including the year, make and identification number;

(C) The name of the customer demonstrating the unit;

(D) The licensee's name, dealer number, and business address;

(E) A statement of the type of property being transported, if applicable; and

(F) The mileage on the odometer of the vehicle at the time the demonstration began.

(7) Proof of service or repair orders shall be retained for a duration set forth in 12 CSR 10-26.050(4), and must be provided to the Department of Revenue upon request within fifteen (15) business days.

[(4)](8) A licensee must account for all dealer license plates/certificates of number at all times.

[(5)](9) Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports, and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than one hundred eighty (180) days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor.

AUTHORITY: sections 301.550, 301.553, 301.560, and 301.562, [RSMo Supp. 2007 and section 301.553,] RSMo [2000] Supp. 2019. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002, effective March 30, 2003. Amended: Filed Dec. 28, 2007, effective June 30, 2008. Amended: Filed Aug. 28, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure

Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

PROPOSED AMENDMENT

19 CSR 30-40.750 ST-Segment Elevation Myocardial Infarction (STEMI) Center Designation Application and Review. The department is amending section (3) and the form included after the rule.

PURPOSE: This amendment adds options for hospitals, which are certified as STEMI centers, as a Primary Heart Attack Center by the Joint Commission to become designated as a level II STEMI center and as an Acute Heart Attack Ready Center by the Joint Commission to become designated as a Level III STEMI Center without being

reviewed by DHSS (the department). This amendment also updates the application for STEMI certified hospital designation with adding the Primary Heart Attack Center and Acute Heart Attack Ready Center options.

(3) Hospitals seeking STEMI center designation by the department based on their current certification as a STEMI center by the Joint Commission, American Heart Association, or American College of Cardiology shall meet the following requirements:

(B) Both sections A and B of the application for STEMI certified hospital designation form, included herein, shall be complete before the department designates a hospital/STEMI center. The department shall notify the hospital/STEMI center of any apparent omissions or errors in the completion of the application for STEMI certified hospital designation form. Upon receipt of a completed and approved application, the department shall designate such hospital as follows:

1. The department shall designate a hospital as a level I STEMI center if such hospital has been certified as a comprehensive cardiac center by the Joint Commission;

2. The department shall designate a hospital as a level II STEMI center if such hospital has been certified as any of the following:

A. Mission *///*Lifeline Percutaneous Coronary Intervention (PCI)/STEMI receiving center by the American Heart Association;

B. Chest pain center with PCI center by the American College of Cardiology; *[or]*

C. Chest pain with PCI and resuscitation center by the American College of Cardiology; **or**

D. Primary Heart Attack Center by the Joint Commission;

3. The department shall designate a hospital as a level III STEMI center if such hospital has been certified as any of the following:

A. Mission *///*Lifeline non/PCI STEMI referral center by the American Heart Association;

B. Chest pain center by the Joint Commission;

C. Acute Heart Attack Ready Center by the Joint Commission;

[C.]D. Primary Acute Myocardial Infarction (AMI) center by the Joint Commission; **or**

[D.]E. Chest pain center by the American College of Cardiology;

AUTHORITY: sections 190.185 and 192.006, RSMo 2016, and section 190.241, RSMo Supp. [2017] 2019. Original rule filed Nov. 15, 2012, effective June 30, 2013. Emergency amendment filed Feb. 2, 2018, effective Feb. 12, 2018, expired Aug. 10, 2018. Amended: Filed Feb. 2, 2018, effective Aug. 30, 2018. Emergency amendment filed Aug. 28, 2019, effective Sept. 12, 2019, expires March 9, 2020. Amended: Filed Aug. 28, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Dean Linneman, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 82—General Licensure Requirements

PROPOSED RESCISSION

19 CSR 30-82.030 Assessment of Availability of Beds. This rule provided the procedures in determining, for the Missouri Health Facilities Review Committee, if a need existed for additional Medicaid certified beds in a particular locality.

PURPOSE: This rule is being rescinded since the Section for Long-Term Care Regulation and the Missouri Health Facilities Review Committee no longer utilize the procedures in determining availability of beds. Furthermore, the Certificate of Need Program has established its own regulations and procedures for the criteria in determining approval of long-term care beds in varying localities.

AUTHORITY: sections 197.318, RSMo Supp. 1992 and 198.009, RSMo 1986. This rule was originally filed as 13 CSR 15-10.030. Emergency rule filed June 17, 1986, effective June 27, 1986, expired Oct. 24, 1986. Original rule filed June 17, 1986, effective Oct. 24, 1986. Moved to 19 CSR 30-82.030, effective Aug. 28, 2001. Rescinded: Filed Aug. 28, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Dean Linneman, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 1—General Rules

PROPOSED RESCISSION

20 CSR 2197-1.010 Definitions. This rule defined terms used in 20 CSR 2197.

PURPOSE: This rule is being rescinded and will be promulgated as amended language into other applicable board rules directly related to the definition.

AUTHORITY: sections 324.245, 324.257, and 324.265, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-1.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-1.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 1—General Rules

PROPOSED RESCISSION

20 CSR 2197-1.020 Titling. This rule specified the title that may be used by an individual licensed by the board as a massage therapist.

PURPOSE: This rule is being rescinded because the statute defines a massage therapist in section 324.240(6), RSMo.

AUTHORITY: sections 324.240, 324.245 and 324.270, RSMo Supp. 1999. This rule originally filed as 4 CSR 197-1.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-1.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 1—General Rules

PROPOSED RESCISSION

20 CSR 2197-1.030 Name and Address Changes for Individuals. This rule outlined procedures to be followed for name, address and telephone number changes.

PURPOSE: The rule is being rescinded and will be promulgated as amended language into other applicable board rules.

AUTHORITY: sections 324.245, RSMo Supp. 2003 and 324.250, RSMo 2000. This rule originally filed as 4 CSR 197-1.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-1.030, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2197-2.010 Application for Licensure. The board is deleting sections (2)-(4), renumbering as necessary, adding sections (2) and (3), and amending sections (1) and new (4).

PURPOSE: This amendment clarifies language on background checks, distance education, and applying for licensure and rescinds grandfathering provisions.

(1) A person who seeks licensure as a massage therapist and has completed **either five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board or massage therapy studies consisting of at least five hundred (500) clock hours of supervised instruction [in] from a Coordinating Board of Higher Education (CBHE) certified school, Missouri Department of Elementary and Secondary Education (DESE) approved vocational program or school, or school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the United States Department of Education or an equivalent approving body for out-of-state applicants, shall be at least eighteen (18) years of age and shall submit [or cause to be submitted] the following:**

(A) A completed notarized application and [the accompanying] application fee;

(B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). [The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board.] Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);

(C) **Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor or [A]an official final transcript showing successful completion of [the] a massage therapy program to be submitted directly to the board office from the certified mentor or massage therapy program which includes:**

1. The applicant's name;
2. Date of enrollment;
3. Date of completion; and
4. Documentation that the massage therapy program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:—

A. At least three hundred (300) clock hours dedicated to massage theory and practice techniques **provided directly by the certified mentor or an instructor within a massage therapy program.**

An instructor for massage theory and practice techniques **or certified mentor** shall document at least two (2) years of massage therapy practice and either be licensed as a massage therapist in this state or be licensure eligible, based upon board review of the instructor's credentials.

(I) An instructor of kinesiology or pathology within the massage [theory and practice technique curriculum] **therapy program** shall submit verification of education and/or experience in kinesiology or pathology instruction and licensure as a massage therapist or licensure eligibility [shall] is not [be] required;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by one (1) of the following:

(I) **The certified mentor who must hold an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include, but are not limited to, physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;**

(II) **A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri CBHE, or an out-of-state school approved by an agency equivalent to the Missouri CBHE;**

(III) **The certified mentor who must have earned at least fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours in fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;**

(III)(IV) An instructor [with] **within a massage therapy program who must hold** an associate, bachelor, or advanced degree in a science related field that includes a course of study in anatomy and physiology. Such degrees include, but are not limited to, physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology [and shall be] from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education; **or**

(III)(V) An instructor [with] **within a massage therapy program who must have earned at least fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours or fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;**

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene, and massage law in the state of Missouri provided by **a certified mentor or an instructor [who demonstrates] within a massage therapy program with** documented experience/education in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by **a certified mentor or an instructor(s) [who demonstrates] within a massage therapy program with** documented experience/education in a related field. The fifty (50) clock hours shall include [but is not be limited to] **at a minimum** cardiopulmonary resuscitation (CPR) and first aid [which shall be] provided

by an instructor who holds the respective instructor certification; and

(F) For the purpose of 20 CSR 2197-2.010, a **clock hour is defined as fifty (50) minutes of instruction** and the course of instruction meeting the educational requirements for licensure shall not be provided via correspondence course, audiotape, videotape, or [the Internet] **other electronic means** unless approved by the board. [The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).]

[(2) A person who has completed five hundred (500) clock hours in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

(A) A completed notarized application and the accompanying application fee;

(B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and FBI. The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);

(C) Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor which includes:

- 1. The applicant name;*
- 2. Date of enrollment;*
- 3. Date of completion;*

4. Documentation that the mentorship program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:

A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by one (1) of the following:

(I) The board approved mentor with an associate, bachelor, or advanced degree in a science related field from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education that includes a course of study in anatomy and physiology. Such degrees include but are not limited to physical therapy, chiropractic, osteopathy, medicine, nursing, chemistry, or biology;

(II) A school, college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education, a massage therapy program approved by the Missouri CBHE, or an out-of-state school approved by an agency equivalent to the Missouri CBHE; or

(III) The board approved mentor with fifteen (15) semester hours or twenty-five (25) quarter hours in science or science related courses from a college, university, or other institution of higher learning in the United States accredited by a regional accrediting commission recognized by the U.S. Department of Education. All course work must have a passing grade and at least eight (8) semester hours in fifteen (15) quarter hours of the course of study shall be in anatomy and physiology. For the purpose of this regulation a semester hour is equivalent to fifteen (15) clock hours and a quarter hour is equivalent to ten (10) clock hours;

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri. The mentor shall document education and/or experience to provide a course of instruction for this area; and

D. Fifty (50) clock hours dedicated to ancillary therapies. The mentor shall document education and/or experience to provide a course of instruction for this area. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective instructor certification;

(D) Evidence of passing one of the following:

1. National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) as administered by the National Certification Board for Therapeutic Massage and Bodywork or its successor organization;

2. National Certification Examination for Therapeutic Massage (NCETM) as administered by the National Certification Board for Therapeutic Massage and Bodywork or its successor organization;

3. Asian Bodywork Therapy Examination (ABT) as administered by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM) or its successor organization;

4. The American Medical Massage Association National Board Certification Examination (AMMA NBCE) administered as of 2006; or

5. Massage and Bodywork Licensing Examination (MBLEx) as administered by the Federation of State Massage Therapy Boards or its successor organization;

(E) For the purpose of 20 CSR 2197-2.010, the course of instruction meeting the educational requirements for licensure shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).

(3) Grandfathering Provisions.

(A) A person who has passed a statistically valid examination on therapeutic massage and bodywork prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and FBI. The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s); and

3. Evidence of passing a statistically valid examination from one of the following:

- A. NCBTMB; or*
- B. NCCAOM.*

(B) A person who has been in the practice of massage therapy for at least ten (10) years prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;

2. Two (2) sets of fingerprints and the criminal background check fee;

3. Evidence documenting at least ten (10) years of massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1984 to August 28, 1999) which may include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;
- I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
- L. Verifiable letters of confirmation from clients of massage therapy experience;
- M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client.

(C) A person who has been in the practice of a massage therapy for at least three (3) years prior to August 28, 1999, has completed at least one hundred (100) clock hours of formal training in massage and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;
3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1994 to August 28, 1999) which may include but not be limited to a combination of the following:
 - A. Income tax forms;
 - B. Professional massage therapy association membership(s);
 - C. Certificates of continuing education in massage therapy;
 - D. Business license(s);
 - E. Office rent or lease agreement(s);
 - F. Yellow page advertisements with dates;
 - G. Printed advertisements with dates;
 - H. Professional insurance;
 - I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
 - J. Verifiable letter(s) from employer(s);
 - K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
 - L. Verifiable letters of confirmation from clients of massage therapy experience; or
 - M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and
4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:
 - A. Classroom and directly supervised student clinical

massage therapy practice hours;

B. Continuing education credits in massage therapy; or

C. Massage therapy seminar and/or workshop attendance.

(4) A massage therapist license shall not be issued until the results of the criminal background check have been reviewed by the board. The results of the criminal background check shall be valid for two (2) years from receipt of the criminal background check in the board office.]

(2) A person applying for licensure based upon licensure in another state, territory, or the District of Columbia shall submit the following:

- (A) A completed notarized application and application fee;
- (B) Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). Any fees due for a fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);
- (C) Verification of licensure, to be submitted to the board office from the state, territory, or the District of Columbia's license authority that includes:
 1. License issue and expiration date; and
 2. Complaints, prior or pending investigations, or disciplinary action on the license.

(3) If the board determines a state, territory, or the District of Columbia licensure requirements are not substantially the same, the applicant may qualify for licensure by meeting the requirements of section 324.265, RSMo, and this rule.

[(5) Educational Review.]

[(A)](4) The board may review a person's educational credentials prior to application for licensure upon receiving a written request to the board. The person requesting the education review shall be responsible for providing official transcripts and paying the required fee.

AUTHORITY: sections 324.240, [and] 324.243, [SB 788, 94th General Assembly, Second Regular Session, 2008 and section 324.265, HB 1419, 94th General Assembly, Second Regular Session, 2008, and section 324.267, RSMo 2000, and sections] 324.245, [and] 324.265, 324.267, and 324.270, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-2.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will increase revenue for state agencies and political subdivisions eight hundred twenty-eight dollars (\$828) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately eight hundred forty-eight dollars (\$848) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO

65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2197 - Board of Therapeutic Massage
Chapter 2 - Massage Therapist Licensure Requirements
Proposed Amendment - 20 CSR 2197-2.010 Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
Board of Therapeutic Massage		\$625
	Estimated Annual Increase in Revenue for the Life of the Rule	\$625

Affected Agency or Political Subdivision	Estimated Revenue	
Missouri State Highway Patrol		\$203
	Estimated Annual Increase in Revenue for the Life of the Rule	\$203

III. WORKSHEET

See Private Fiscal Note.

IV. ASSUMPTION

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2197 - Board of Therapeutic Massage
Chapter 2 - Massage Therapist Licensure Requirements
Proposed Amendment - 20 CSR 2197-2.010 Application for Licensure

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would be affected by the adoption of the proposed	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
5	Reciprocity Applicants Application Fee @ \$125	\$625
5	Reciprocity Applicants Fingerprint Fee @ \$40.50	\$203
2	Reciprocity Applicants Verification Fee @ \$10	\$20
Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule		\$848

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates that there will be very few nonresident military spouse temporary
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED RESCISSION

20 CSR 2197-2.020 Reciprocity. This rule outlined the requirement for licensure by reciprocity.

PURPOSE: This rule is being rescinded and will be promulgated as amended language into the board rule regarding application for licensure.

AUTHORITY: sections 324.245 and 324.265, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-2.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-2.020, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2197-2.030 Provisional License. The board is deleting section (4), renumbering, and amending sections (1)-(4).

PURPOSE: This amendment clarifies the requirements for a provisional license.

(1) A person shall request an application for provisional licensure from the Missouri Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO, 65102-1335 by calling (573) 522-6277 or sending an email to massagether@pr.mo.gov. The TDD number is (800) 735-2996. An application for provisional licensure shall include the following information:

(A) An official transcript from the massage therapy program, school, or [board approved] certified mentor documenting completion of a massage therapy program pursuant to 20 CSR 2197-2.010(1) or (2) and application fee. [For the purpose of this regulation, the massage therapy program shall not be provided via correspondence course, audiotape, videotape, or the Internet unless approved by the board. The course of instruction shall be face-to-face, visually and verbally interactive, between an instructor and the student(s).] The board may accept transcripts issued to the applicant and placed in a sealed envelope that carries the massage therapy program, school, or mentor's seal or stamp;

(B) Written verification from the massage therapy school, pro-

gram, mentor, or testing entity that the applicant has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010[(1)(D)1.-3.]; and

(C) Two (2) sets of [F]fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). [The applicant shall provide proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board.] Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor; and].

[(D) Any applicable fees.]

(2) A provisional license is valid for one (1) year from the date of issuance. Upon expiration of a provisional license the licensee shall no longer engage in the practice of massage therapy. To resume practicing massage therapy a person must either apply to renew the provisional license, if he/she has not passed the national examination, or obtain a license as a massage therapist pursuant to 20 CSR 2197-2.010[(1) or (2)].

(3) A provisional license may be renewed for an additional number of months at the discretion of the board, not to exceed one (1) year. To renew a provisional license the applicant must complete an application, submit written verification from the massage therapy school, program, mentor, or testing entity that the applicant has applied or is scheduled to take an examination pursuant to 20 CSR 2197-2.010[(1)(D) or 20 CSR 2197-2.010(2)(D)], provide a written explanation for renewing the provisional license, and pay the required fee.

[(4) A provisional licensee is subject to all statutes and regulations relating to the licensing and regulation of licensed massage therapists and licensed massage therapy businesses.]

[(5)](4) [A provisional license shall not be issued until the results of the criminal background check have been reviewed by the board.] The results of the criminal background check shall be valid for [two (2) years] one (1) year from receipt of the criminal background check in the board office.

AUTHORITY: sections 324.245 and 324.265, RSMo [Supp. 2008] 2016. This rule originally filed as 4 CSR 197-2.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2197-2.040 Students/Student License. The board is adding new sections (2) and (6), deleting sections (3) and (6)-(7), renumbering as necessary, and amending sections (1) and (5) and new sections (3) and (7).

PURPOSE: This amendment clarifies the requirements for a student license.

(1) Upon *[enrollment]* completion of the required course of study, the school or the certified mentor shall submit to the board a completed application for student licensure. The application shall include the following information:

(A) Verification *[by the instructor or certified mentor that]* the student has demonstrated substantial progress and competency, as approved within the course of instruction, with a grade of “C” or better in the following:

1. Basic hygiene;
2. Universal precautions;
3. Contraindications; and
4. Basic massage theory and basic massage hands-on practice;

and

[(B) Verification that the student has submitted a set of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The student shall submit two (2) sets of fingerprints to the Missouri State Highway Patrol’s approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Any fees due for fingerprint background checks shall be paid by the student directly to the Missouri State Highway Patrol or its approved vendor(s); and]

[(C)](B) [Any a]Applicable fee[s].

(2) The applicant for student licensure shall submit to a background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation and pay any fees required directly to the Missouri State Highway Patrol or its approved vendor(s).

[(2)](3) A student license shall not be issued until the results of the criminal background check have been reviewed by the board. The results of the criminal background check *[shall be]* are valid for *[two (2) years]* one (1) year from receipt of the criminal background check in the board office.

[(3) As a part of the course of study, any student may practice massage therapy on fellow students and family members.]

(5) The holder of a student license may practice massage therapy on members of the public while under the direct supervision of a massage therapy instructor or certified mentor and shall not receive compensation from the school, mentor, or client for any massage therapy services.

[(6) Students shall not receive compensation from the school or client for any massage therapy services.]

[(7)When the student is no longer enrolled or has graduated, the school shall return the student license within thirty (30) days to the board office.]

(6) A student license shall expire six (6) months from the issue date or when the student completes or withdraws from a massage therapy program or apprenticeship, whichever comes first. A student license may be renewed upon submission of a written request by the massage therapy school or certified mentor explaining the reason for the student license renewal. The renewal of the license is at the discretion of the board.

[(8)](7) [No] A massage therapy instructor shall have no more than five (5) students under *[his/her]* their direct supervision at one (1) time during massage therapy clinical practice.

(A) For the purpose of this rule, direct supervision is defined as control, direction, instruction, and oversight of a student within a massage therapy program or apprenticeship.

AUTHORITY: sections 324.245 and 324.265, RSMo *[Supp. 2007] 2016.* This rule originally filed as 4 CSR 197-2.040. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-2.040, effective Aug. 28, 2006. Rescinded and readopted: Filed Aug. 21, 2007, effective March 30, 2008. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2197-2.050 License Renewal and Name and Address Changes. The board is amending the title, sections (2), (4), and new (5), deleting sections (5) and (6), renumbering as necessary, and adding new sections (6) and (7).

PURPOSE: This amendment clarifies language on reinstating a license and adds language on name and address changes.

PURPOSE: This rule outlines the requirements for the renewal of licensure, *[and]* specifies continuing education requirements, and name and address changes.

(2) Licensees shall maintain evidence of their course participation or course completion for a period of at least *[six (6)]* four (4) years. Such evidence must be submitted upon request by the board.

(4) Failure of a licensee to receive the notice and application to renew *[his/her]* the license shall not excuse *[him/her]* the licensee from the requirements of section 324.265, RSMo, to renew that license.

[(5) The license of a massage therapist that is not renewed by the expiration date shall lapse and become not current. A person may renew the lapsed license by completing the renewal form and paying the required renewal and late fees]

as defined in 20 CSR 2197-1.040(3)(F) and (3)(F)1. within thirty (30) days of the expiration date. The lapsed licensee shall not provide massage therapy until filing the renewal form and paying the required fees.

(6) A licensed massage therapist may request reinstatement of a license up to two (2) years from the expiration date by completing the required reinstatement application, paying the required fees as defined in 20 CSR 2197-1.040(3)(F) and 20 CSR 2197-1.040(3)(F)2. and document completion of the continuing education as required by 20 CSR 2197-2.050(1). If the massage therapist fails to reinstate a license within two (2) years of the expiration date, the former licensee must submit an application for licensure, pay the required fee, and comply with the current requirements for licensure.]

[(7)](5) [A massage therapist with a lapsed license, as provided in this rule, may be reinstated] An expired license can be reinstated within two (2) years of the expiration date by submitting the reinstatement form, applicable fees, and proof of continuing education compliance. Reinstatement of an expired license is at the sole discretion of the board [upon completion of the required continuing education, payment of the required fee, and submitting the required application]. If the license is not reinstated within two (2) years of the expiration date, the former licensee must submit an application for licensure, application fee, and comply with the current requirements for licensure.

(6) A licensed massage therapist, provisional licensed massage therapist, or student licensed massage therapist shall insure the license bears the current legal name of that individual.

(7) A licensed massage therapist, provisional licensed massage therapist, or student licensed massage therapist shall notify the board office, in writing, within thirty (30) days of a name or address change. Changes in email or a telephone number shall be submitted to the board office in the same manner. A copy of the documentation authorizing the name change shall be submitted to the board office.

AUTHORITY: sections 324.245, 324.262 and 324.265, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-2.050. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 3—Standards of Practice**

PROPOSED RESCISSION

20 CSR 2197-3.005 Definitions. This regulation defined certain

terms used throughout Chapter 3.

PURPOSE: This rule is being rescinded because the statute defines a massage therapist in section 324.240(6), RSMo, and the remaining definitions are not required.

AUTHORITY: sections 324.245 and 324.262, RSMo Supp. 2007. Original rule filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 3—Standards of Practice**

PROPOSED AMENDMENT

20 CSR 2197-3.010 Standards of Practice. The board is deleting section (3), renumbering as necessary, and amending sections (1)-(5).

PURPOSE: This amendment clarifies standards of practice.

(1) A licensee shall practice within the scope of their education and training and [shall] not misrepresent professional qualifications relating to licensure, education, experience, or areas of competence. [Records regarding the licensee's education and training shall be maintained by the licensee.]

(2) A licensee shall recommend or refer a client to another licensed health care professional when appropriate and [shall] not delegate professional responsibilities to a person that is not qualified.

(A) For the purpose of this rule, a client is defined as one who utilizes the services of a licensed massage therapist. A client does not include the licensee's immediate family members or significant other.

[(3)] A licensee shall acknowledge the limitations and contraindications of massage therapy and shall not provide unjustified services.]

[(4)](3) A licensee shall conduct business with honesty and integrity to include the following:

(A) Maintain professional liability insurance;

(B) Advertise massage therapy services or instruction that is accurate and free of deception, sexual suggestiveness, or explicit sexual-ity[.];

(C) When providing massage therapy [the licensee shall], not dress or behave in a provocative manner;

[(C)](D) Prior to treatment, disclose the fee schedule. When offering gratuitous services or discounts in connection with massage therapy services, clearly and conspicuously disclose whether additional

charges may be incurred for related services and the cost of such related services;

[(D)](E) Post the license with a current photograph at the licensee's place of business and/or employment;

[(E)](F) Maintain accurate client records **and store records** for at least three (3) years from the last date of service and in a manner that secures client confidentiality. Client records for massage therapy not provided at a licensed massage therapy business shall be maintained and stored securely by the licensee;

[(F)](G) Shall not engage in any verbally or physically abusive behavior with a client;

(H) Shall not engage in sexual conduct with a client(s) during a massage session;

(I) Shall not exercise influence within a licensee-client relationship for the purpose of engaging a client in sexual activity during a massage session;

(J) Shall not take unfair advantage of the client for financial gain;

(K) Shall not massage the genitals;

(L) Shall not massage the breast unless ordered by a physician prescription or by documented clinical indication/. *Such documentation shall be included in the client's record and] to be included in the client's record with the massage [shall be] performed by a licensee that is certified or has advanced training in techniques related to therapeutic treatment of mammary tissue;*

(M) Notify the board of any violation of the Standards of Practice of which the licensee has information and knowledge; and

(N) Within the limits of the law, *[shall]* cooperate with any investigative proceeding.

[(5)](4) **Unless waived, in writing and signed by the client, and [P]prior** to providing massage therapy, a licensee shall document or update client information to include:

(A) Purpose for visit to include presence of pain;

(B) Allergies, preexisting conditions, recent surgeries, and current medication;

(C) If the client is currently under the care of any health or mental healthcare professional;

(D) Date, type, and length of massage therapy service(s);

(E) Outcome assessment *[(may not apply to on-site/chair massage)]*;

(F) Consent for treatment that is signed and dated by client; and

(G) Licensee's signature and date.

[(6)](5) When providing massage therapy a licensee shall:

(A) **During any massage requiring the client to undress, [P]provide** privacy for the client *[while the client is dressing, undressing, and during the massage]*;

(B) Provide appropriate draping during *[treatment] the massage* which includes draping at the gluteal cleft and genitals on males and females and the breasts on females;

(C) Modify or terminate *[treatment] the massage* at the client's request regardless of prior consent;

(D) Exercise the right to refuse to *[treat] provide massage therapy* to any person *[or part of the body for just and reasonable cause]*;

(E) Utilize universal precautions at all times as defined in 20 CSR 2197-1.010(4). This includes hand washing with an antibacterial agent before and after each client and not knowingly exposing clients to contagious diseases. **An antibacterial waterless hand cleanser can be used while in the confines of the massage therapy area and when leaving the area, the licensee must reapply the antibacterial waterless hand cleanser before providing massage therapy. For the purpose of this rule, universal precautions is defined as an approach to infection control as defined by the Center for Disease Control (CDC) to treat all human blood and certain body fluids as if they were known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens; and**

(F) Provide adequate space around massage chair/table to allow for proper body mechanics and to minimize the spread of infection between tables/chairs[; and].

[(G) Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:

1. *Covering any massage or steam equipment with a single service material that does not have an impervious barrier;*

2. *Repairing all cuts and nicks in upholstery;*

3. *Cleansing all equipment coming in contact with a client with an antibacterial agent between each client usage. Such equipment shall include hydrotherapy equipment, combs, brushes, shower caps, showers, tubs, and basins;*

4. *Checking all equipment for the presence of any liquid, oil and/or body fluid and clean with an antibacterial agent prior to and between each client usage;*

5. *Cleaning all face cradles, arm rests on all massage chairs and tables with an antibacterial agent between each client regardless of whether or not a single service material was used;*

6. *Using ice cubes only once and then disposing of properly;*

7. *Cleaning after each use and maintain all cold and hot pack equipment;*

8. *Storing and dispensing massage therapy lubricants from suitable containers that are sanitized to preserve the integrity of the lubricant and to prevent contamination. Lubricants or products used during a massage shall be stored separately from cleaning supplies and include but not be limited to oils, soaps, alcohol, powders, lotions, shampoos and salts;*

9. *Keeping multiple use containers such as pump bottles and tubes free of debris, cleaning with a antibacterial agent between each client use, and refill containers in a sanitary manner;*

10. *Storing all single service materials and linens in closed or covered shelves, containers, cabinets or closets;*

11. *Using clean single service materials such as sheets, towels, gowns, and pillowcases for each client;*

12. *Professionally laundering or washing all soiled, single service materials and drapes on a hot water setting with detergent and at least one (1) cup of bleach or an antibacterial agent used in accordance with product label instructions in a clothes washing machine and dried on a high heat setting in a dryer; and*

13. *Storing all dirty or soiled, single service materials, trash, or refuse in a closed container, closed shelves, cabinets, or closets and separate from clean, single service materials.]*

AUTHORITY: sections 324.245 and 324.262, RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-3.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at

massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

**Division 2197—Board of Therapeutic Massage
Chapter 4—Apprenticeship**

PROPOSED AMENDMENT

20 CSR 2197-4.030 Apprenticeship Training Program. The committee is adding new sections (3)-(6), renumbering subsections (2)(A) and (B) as sections (7) and (8) and amending sections (2) and (7).

PURPOSE: This amendment clarifies the apprentice training requirements and application process.

(2) *[In order to enroll in an approved apprenticeship training program, an apprentice shall submit an enrollment application, provided by the board, at least fourteen (14) days prior to the anticipated commencement of the apprentice's training.]* No apprentice shall receive credit for education received from a certified mentor of an approved apprenticeship training program until approved by the board.

(3) **Prior to enrolling an apprentice in an approved training program, the certified mentor shall provide, in writing, the following information to the apprentice:**

- (A) Course of instruction to include delivery method, textbooks, or reading materials;
- (B) Anticipated time frame for completion of course of instruction;
- (C) Attendance requirements to include time and dress code;
- (D) Grading system;
- (E) Hours certified mentor is accessible outside of regular course of instruction; and
- (F) Required cost(s) of apprenticeship program.

(4) **Documentation of this information shall be submitted with apprentice enrollment application pursuant to 20 CSR 2197-2.040.**

(5) **The certified mentor shall maintain an individual transcript record for each apprentice currently or formerly enrolled in the approved apprenticeship training program. The transcript shall be maintained by the certified mentor for at least five (5) years from the date of the last course attended by the apprentice and include the following elements:**

- (A) Name and license number of certified mentor and address of the approved apprenticeship program as reported on the application pursuant to 20 CSR 2197-4.010(2);
- (B) Full name of the apprentice;
- (C) Date apprentice entered approved apprenticeship program; and
- (D) Information relating to each course taken under the supervision of the certified mentor to include:
 1. Course title or name;
 2. Course program or credit hours offered;
 3. Course program or credit hours attended;
 4. Course completion date;
 5. Date training program was completed;
 6. Notation and date of withdrawal from approved apprenticeship program, designated with the word "withdrawal" and the grade "W" for any course from which the apprentice withdrew;

- 7. Name, title, and signature of certified mentor; and
- 8. Date transcript was issued.

(6) **Upon renewal of the massage therapy license, the certified mentor shall indicate whether he/she wishes to maintain the mentorship certification. Upon relinquishing the mentorship certification, the massage therapist shall discontinue the approved apprenticeship training program and may apply for reinstatement upon submitting an application pursuant to 20 CSR 2197-4.010 and this rule.**

[(A)](7) When an apprentice completes or withdraws from an apprenticeship training program, the certified mentor shall *[submit written notification on a form provided by the board, within fourteen (14) days of completion or withdrawal from the program.]* **return the student license to the board office within thirty (30) days.**

[(B)](8) For the purpose of meeting the requirements for licensure, training received from an apprenticeship training program is applicable towards the licensure requirements for no more than five (5) years from the date it was received from the certified mentor.

AUTHORITY: sections 324.240 and 324.245, RSMo [Supp. 2009] 2016. Material in this rule was originally filed as 4 CSR 197-4.010 and 20 CSR 2197-4.010. Original rule filed Aug. 27, 2009, effective Feb. 28, 2010. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will increase revenue for state agencies seven hundred three dollars (\$703) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately seven hundred twenty-three dollars (\$723) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at *massagether@pr.mo.gov*. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration
 Division 2197 - Board of Therapeutic Massage
 Chapter 2 - Massage Therapist Licensure Requirements
 Proposed Amendment - 20 CSR 2197-4.030 Apprenticeship Training Program**

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
Board of Therapeutic Massage	\$500	
	Estimated Annual Increase in Revenue for the Life of the Rule	\$500

Affected Agency or Political Subdivision	Estimated Revenue	
Missouri State Highway Patrol	\$203	
	Estimated Annual Increase in Revenue for the Life of the Rule	\$203

III. WORKSHEET

See Private Fiscal Note.

IV. ASSUMPTION

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2197 - Board of Therapeutic Massage

Chapter 4 - Apprenticeship

Proposed Amendment - 20 CSR 2197-4.030 Apprenticeship Training Program

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would be affected by the adoption of the proposed	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
5	Certified Mentor Reinstatement Application Fee @ \$100	\$500
5	Reciprocity Applicants Fingerprint Fee @ \$40.50	\$203
2	Reciprocity Applicants Verification Fee @ \$10	\$20
Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule		\$723

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY18 actuals.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
4. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 4—Apprenticeship

PROPOSED RESCISSION

20 CSR 2197-4.040 Apprenticeship Training Documentation. This rule outlined the documentation to be maintained by the certified mentor regarding an approved apprenticeship training program.

PURPOSE: The rule is being rescinded to consolidate with 20 CSR 2197-4.030.

AUTHORITY: sections 324.240 and 324.245, RSMo Supp. 2009. Material in this rule was originally filed as 4 CSR 197-4.010 and 20 CSR 2197-4.010. Original rule filed Aug. 27, 2009, effective Feb. 28, 2010. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements

PROPOSED RESCISSION

20 CSR 2197-5.010 Massage Therapy Business—Survey Inspections. This rule specified the requirements to operate a massage therapy business.

PURPOSE: The rule is being rescinded and readopted to clarify the requirements to operate a massage therapy business.

AUTHORITY: sections 324.240, 324.250, 324.252, 324.255 and 324.260, RSMo 2000 and sections 324.245, 324.247 and 324.257, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-5.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days

after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements

PROPOSED RULE

20 CSR 2197-5.010 Massage Therapy Business—Survey Inspections

PURPOSE: This rule specifies the requirements to operate a massage therapy business.

(1) A massage therapy business shall—

(A) Employ or permit to practice on the premises a licensed or provisionally licensed massage therapist (hereinafter referred to as licensee or licensees) to perform massage therapy as defined in section 324.240(7), RSMo;

(B) Ensure that no licensee practices beyond their scope and expertise; direct or require a licensee to practice beyond their scope and expertise; or allow any unlicensed employees, staff, or independent contractors to provide massage pursuant to section 324.240(7), RSMo, for which a license is required;

(C) Maintain a copy of the professional liability insurance of the licensee as required in 20 CSR 2197-3.020(4)(A);

(D) Display, in a conspicuous place, the massage therapy business license;

(E) Display, in a conspicuous place, an original massage therapist license, to include a photograph of the massage therapist taken within the last two (2) years;

(F) Maintain accurate client records. Records must be stored for at least three (3) years from the last date of service and in a manner that secures client confidentiality.

1. The licensed massage therapist providing massage therapy must sign each client record.

2. Unless waived in writing and signed by the client, and prior to providing massage therapy, the client record shall include:

A. Purpose for visit to include presence of pain;

B. Allergies, preexisting conditions, recent surgeries, and current medication;

C. If the client is currently under the care of any health or mental healthcare professional;

D. Date, type, and length of massage therapy service(s);

E. Outcome assessment;

F. Consent for treatment that is signed and dated by client;

(G) Maintain current general liability insurance and provide proof that the massage therapy business has general liability insurance upon request or during the course of an inspection;

(H) Provide safe and unobstructed passage in the public areas of the business;

(I) Provide rest room facilities, including at least one (1) water-flushed toilet. A massage therapy business located in a building housing multiple businesses under one (1) roof such as arcades, shopping malls, terminals, and hotels may substitute centralized restroom facilities; and

(J) Maintain a sink for hand cleansing within a reasonable distance from where massage therapy is provided. The sink must be clean and in good working condition.

(2) The area used for massage therapy must be used exclusively for massage and other clinical or healthcare related purposes adequately lighted, ventilated, and kept clean. Floors, walls, ceilings, and windows must be in good repair and free of dust and other unclean substances.

(3) All equipment used to perform massage therapy must be maintained in a safe and sanitary manner that includes, but is not limited to:

(A) Covering the massage table or equipment that does not have an impervious barrier with a single service material;

(B) Repairing all cuts or nicks in upholstery;

(C) Cleaning all equipment such as the massage table, massage chair, face cradle, and items coming into contact with a client with an antibacterial agent between each client usage to eliminate any liquid, oil, and/or body fluid. Massage tables, chairs, face cradles, and arm rests must be cleaned with an antibacterial agent between each client whether or not a single service material was used;

(D) Keeping all multiple use containers such as pump bottles and tubes free of debris.

1. Storing and dispensing massage therapy products from suitable containers that are sanitized with an antibacterial agent after each client.

2. Products, to include soap, oil, lotion, alcohol, powder, shampoo, and salt used during the massage, shall be stored separately from cleaning supplies;

(E) Storing all single service materials and linens such as towels, sheets, and pillowcases in closed covered shelves, containers, cabinets, or closets;

(F) Using a clean, single service material such as sheets, towels, and gowns between each client;

(G) Launder or wash in a clothes washing machine, all soiled, single service materials and drapes on a hot water setting with detergent and at least one (1) cup of bleach or an antibacterial laundry detergent used in accordance with product instructions and dried on a high heat setting in a clothes dryer;

(H) Store all dirty or soiled single service materials, garbage, or refuse in a closed container, closed shelves, cabinets, or closets and separate from clean, single service materials; and

(I) Remove all garbage or refuse in a sanitary manner.

(4) A massage therapy business must be free of insects. Only service animals whose purpose is to provide assistance to a client shall be allowed in a massage therapy business.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257, and 324.260, RSMo 2016. This rule originally filed as 4 CSR 197-5.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded and readopted: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massage@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2197—Board of Therapeutic Massage Chapter 5—Massage Therapy Business Requirements

PROPOSED AMENDMENT

20 CSR 2197-5.020 Issuance [of an Original], Renewal, and

Changes to a Business License. The board is amending the title, the purpose, deleting sections (1)-(4), (8)-(10), and (13)-(15), amending section (5), renumbering, and adding new sections (6)-(11).

PURPOSE: This amendment provides the requirements on obtaining a massage therapy business license, changing a location or management of a massage therapy business, and renewing a massage therapy business license.

PURPOSE: This rule outlines the requirements for this issuance and renewal of [an original] a business license.

[(1)] A massage therapy business shall be defined as an address or establishment where massage is practiced unless otherwise exempted by section 324.240(7), RSMo. A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.

(2) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.

(3) The license is valid only for the premises located at the address provided in the initial application for the massage therapy business.

(4) Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have lavatory facilities.]

[(5)](1) A person applying for a business license shall be at least eighteen (18) years of age and shall submit:—

(A) A completed notarized application and application fee[.];

(B) A background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation and pay any fees to the Missouri State Highway Patrol or its approved vendor(s);

(C) Proof of general liability insurance for the business location; and

(D) The name(s) of all owners, whether sole proprietorship, partnership, limited liability company, or corporation; operator, or both for the entity, including the address for all correspondence with the board and service of process.

[(6)](2) A survey inspection shall be completed with no violations and on file with the board prior to the issuance of a business license.

[(7)](3) The board may conduct [any] a survey inspection, [as they deem appropriate] during [normal] business hours.

[(8) Refusal to permit a survey inspection shall constitute valid grounds for denial of licensure or renewal of license.

(9) The business license shall be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(10) Upon completion of each board survey inspection, a written report shall be prepared with respect to the massage therapy business's compliance or noncompliance with the provisions of sections 324.240 to 324.275, RSMo and the rules of this chapter and the deficiencies found.]

[(11)](4) A copy of the [survey] inspection report and the list of [deficiencies found] violations shall be [sent] provided to the

massage therapy business[. *The list of deficiencies shall specifically*] and state the statute or rule which the massage therapy business is alleged to have violated.

[(12)](5) Within thirty (30) days of receipt of the **initial or biennial routine inspection** report the board must receive a plan of correction from the business owner or manager to include time necessary for compliance.

[(13) *After thirty (30) days, if the massage therapy business does not acknowledge the deficiencies, file an acceptable plan of correction with the board, or complete an acceptable plan of correction, the board may file a complaint with the Administrative Hearing Commission.*

(14) *The board may conduct follow-up survey inspections.*

(15) *A massage therapy business shall not operate or advertise using a name other than the name under which the business license was issued.]*

(6) At least fifteen (15) days prior to a proposed name change and before revising any promotional materials, the massage therapy business owner shall notify the board of the proposed name change.

(A) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(7) When a massage therapy business changes location, an application for a location change must be submitted to the board along with the required fee. The business shall submit to a survey inspection at the new location.

(8) When a massage therapy business is sold, or ownership or management is transferred, or the corporate legal organization status is substantially changed, the massage therapy business shall apply for a license by submitting an application and fee, submitting to an inspection, and completing a background check conducted by the Missouri State Highway Patrol and Federal Bureau of Investigation. Any fees due for fingerprint background checks shall be paid directly to the Missouri State Highway Patrol or its approved vendor(s).

(A) In addition to the application, fee, and background check, the applying business shall provide documentation of proof of the sale or change in ownership, management, or organization.

(B) The name(s) of all owners, whether sole proprietorship, partnership, limited liability company, or corporation; operator, or both for the entity, including the address for all correspondence with the board and service of process.

(9) A business license issued pursuant to section 324.250, RSMo, shall be renewed on or before the expiration of the license by submitting the signed renewal application, renewal fee, and a statement of any changes in the information previously filed with the board in the original business license application.

(10) Failure of a licensee to receive the notice and application to renew the license shall not excuse the licensee from the requirements of section 324.250, RSMo, to renew the license.

(11) A massage therapy business license that has expired may be reinstated by completing the reinstatement form and paying the required late and renewal fees as defined in 20 CSR 2197-1.040. A massage therapy business shall not offer massage therapy until filing the reinstatement form and paying the required fees.

AUTHORITY: sections 324.240, 324.245, 324.247, 324.250,

324.252, 324.255, 324.257, and 324.260, [RSMo 2000 and sections 324.245, 324.247 and 324.257,] RSMo [Supp. 2007] 2016. This rule originally filed as 4 CSR 197-5.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.020, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will increase revenue for state agencies one hundred fifty thousand three hundred fifty-three dollars (\$150,353) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities one hundred fifty thousand three hundred fifty-three dollars (\$150,353) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2197 - Board of Therapeutic Massage
Chapter 2 - Massage Therapist Licensure Requirements
Proposed Amendment - 20 CSR 2197-5.020 Massage Therapy Business Requirements

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Revenue	
Board of Therapeutic Massage	\$150,150	
	Estimated Annual Increase in Revenue for the Life of the Rule	\$150,150

Affected Agency or Political Subdivision	Estimated Revenue	
Missouri State Highway Patrol	\$203	
	Estimated Annual Increase in Revenue for the Life of the Rule	\$203

III. WORKSHEET

See Private Fiscal Note.

IV. ASSUMPTION

1. The figures reported above are based on committee projections.
2. It is anticipated that the total annual increase will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2197 - Board of Therapeutic Massage
Chapter 5 - Massage Therapy Business Requirements
Proposed Amendment - 20 CSR 2197-5.020 Massage Therapy Business Requirements

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would be affected by the adoption of the proposed	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
5	Massage Therapy Business Fingerprint Fee @ \$40.50	\$203
2	Massage Therapy Business Change of Location Fee @ \$25	\$50
2	Massage Therapy Business Business Application Fee @ \$50	\$100
1,500	Massage Therapy Business Renewal Fee @ \$100	\$150,000
	Estimated Annual Cost of Compliance with the Amendment for the Life of the Rule	\$150,353

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY18 actuals.
2. Applicants may incur minimal postage and photocopy expenses to submit documents to the office. Those expenses are not being calculated in this fiscal note.
3. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements

PROPOSED RESCISSION

20 CSR 2197-5.030 Massage Therapy Business—Change of Name, Ownership or Location. This rule outlined the procedures for a change of name, ownership, or location for a business license.

PURPOSE: The rule is being rescinded because the statute defines the procedure for the change of a name, ownership, or location of a business pursuant to section 324.252, RSMo.

AUTHORITY: sections 324.240, 324.250, 324.252, 324.255 and 324.260, RSMo 2000 and sections 324.245, 324.247, 324.257 and 324.262, RSMo Supp. 2007. This rule originally filed as 4 CSR 197-5.030. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 26, 2003, effective June 30, 2004. Moved to 20 CSR 2197-5.030, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2007, effective March 30, 2008. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 5—Massage Therapy Business Requirements

PROPOSED RESCISSION

20 CSR 2197-5.040 Massage Therapy Business License Renewal. This rule outlined procedures for the renewal of a business license.

PURPOSE: The rule is being rescinded because the statute defines the procedure for renewing a license pursuant to sections 324.250 and 324.255, RSMo.

AUTHORITY: sections 324.245, 324.257, and 324.262, RSMo Supp. 2007 and sections 324.250, 324.255, and 324.260, RSMo 2000. This rule originally filed as 4 CSR 197-5.040. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board

of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations

PROPOSED AMENDMENT

20 CSR 2197-6.010 Public Complaint Handling and Disposition Procedure. The board is amending sections (1), (2), and (4) and deleting sections (5)-(7).

PURPOSE: This amendment clarifies the complaint procedure.

(1) The [Division of Professional Registration/] Board of Therapeutic Massage will receive and process each complaint made against any licensee, applicant, or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.240–324.275, RSMo. Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the Board of Therapeutic Massage. [Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri.] No member of the Board of Therapeutic Massage may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: [The Division of Professional Registration or the] Board of Therapeutic Massage, P[.]O[.] Box 1335, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(4) The [division] board will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address, and the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. [This complaint file shall be a closed record of the division.]

[(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute

administrative or judicial proceedings concerning possible violations of the provisions of sections 324.240–324.275, RSMo.]

AUTHORITY: sections 324.002, 324.245, 324.257, 324.260, 324.262, and 324.275, [and 620.010.15(6),] RSMo [Supp. 1999] 2016. This rule originally filed as 4 CSR 197-6.010. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-6.010, effective Aug. 28, 2006. Amended: Filed Aug. 21, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations

PROPOSED RESCISSION

20 CSR 2197-6.020 Investigation. This rule outlined the procedures for conducting an investigation.

PURPOSE: This rule is being rescinded because the language is not necessary.

AUTHORITY: sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999. This rule originally filed as 4 CSR 197-6.020. Original rule filed Feb. 25, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2197-6.020, effective Aug. 28, 2006. Rescinded: Filed Aug. 21, 2019.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Therapeutic Massage, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-751-0735, or via email at massagether@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2263-2.032 Registration of Supervised Social Work

Experience. The committee is adding sections (14) and (15).

PURPOSE: This amendment clarifies the ability for the committee to discipline supervisors.

(14) To engage in registered licensure supervision in Missouri, one must be both licensed in Missouri and registered for supervision with the committee. It shall be cause for discipline to provide unregistered or unlicensed licensure supervision in Missouri.

(15) All persons engaged in the practice of clinical social work in the state of Missouri shall either be licensed as a licensed clinical social worker or be registered for supervision as required by statute and these regulations.

AUTHORITY: section 337.600, RSMo 2016, and sections 337.612, 337.615, 337.627, and 337.665, RSMo Supp. [2018] 2019. This rule originally filed as 4 CSR 263-2.032. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2263—State Committee for Social Workers
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

20 CSR 2263-2.082 Continuing Education. The committee is amending sections (2) and (5).

PURPOSE: This amendment adds the new requirement for suicide prevention training and clarifies continuing education requirements on correspondence courses.

(2) As part of the thirty (30) continuing education (CE) hours required for each renewal cycle, each applicant for renewal or reinstatement of a license shall complete:

(A) *Three* (3) clock hours of ethics presented by a social worker who has graduated from an accredited school of social work or by a professional who has knowledge of ethics as it relates to the practice of social work; and

(B) Two (2) hours of suicide assessment, referral, treatment, and management training.

(5) A licensee who becomes licensed during a renewal cycle shall be required to obtain continuing education at the rate computed by the following, **keeping in mind that correspondence courses may not total more than fifty percent (50%) of the total hours required:**

(A)

REQUIRED CEs*	
ISSUE MONTH	CE HOURS NEEDED
October	29
November	28
December	26
January	25
February	24
March	23
April	21
May	20
June	19
July	18
August	16
September	15
[October	14
November	13
December	11
January	10
February	9
March	8
April	6]
*This chart pertains to new licensees only.	
Formula: Months licensed divided by the number of months in reporting cycle multiplied by total CE hours required for renewal. Total rounded up or down to the nearest whole number: four (4) or less round down; five (5) or more round up. Example: licensed on January 1 of an odd year, reporting cycle is 24 months, 30 hours of CE required. [8] 20 months ÷ 24 months x 30 = [9.9] 24.9 which rounds up to [10] 25. Licensee must have [10] 25 CE hours to renew.	

AUTHORITY: section 337.627, RSMo [2016] Supp. 2019. This rule originally filed as 4 CSR 263-2.082. Original rule filed June 25, 2004, effective Dec. 30, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.010 Scope of Coverage and Organization. The

committee is amending section (1).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) The ethical standards/disciplinary rules for [members of the profession] licensees, as set forth hereafter by the committee, are mandatory. The failure of a [member of the profession] licensee to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.010. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.020 Moral Standards. The committee is amending sections (1)-(7).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) The public must be protected from those who are not qualified to be [members of the profession] licensees by reason of a deficiency in education, experience, moral standards, or other relevant factors, but who nevertheless attempt to or actually practice social work. To assure the maintenance of high standards of the profession of social work, [members of the profession] licensees shall assist the committee in promulgating, enforcing, and improving requirements for admission to and for the practice of social work.

(2) No [members of the profession] licensee shall—

(3) Prior to recommending an applicant for licensure, a [members of the profession] licensee should be satisfied that the applicant is of good moral character. Although a [members of the profession] licensee should not become a self-appointed investigator or judge of applicants, a report to the committee of all unfavorable information not otherwise privileged relative to the character, education, experience, citizenship, age, or other qualifications of an applicant must be made.

(4) A *[members of the profession]* licensee is subject to discipline for making a materially false statement or for deliberately failing to disclose a material fact requested in connection with an application.

(5) A *[members of the profession]* licensee shall respond to all reasonable requests for information and/or all other correspondence from the committee. Failure to provide the requested information may be cause for denial of licensure, permit, and/or registration of supervision.

(6) A *[members of the profession]* licensee shall not engage in any activity that exploits clients, students, or supervisees, including sexual intimacies (which means physical or other contact by either the *[members of the profession]* licensee or the client), including, but not limited to:

(7) A *[members of the profession]* licensee shall report to the committee any known or suspected violation(s) of the laws or regulations promulgated by the committee governing the practice of social work which do not violate a client's right to privacy.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.020. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.040 Client Relationships. The committee is amending sections (1)-(11) and (13).

PURPOSE: This amendment updates terminology from "member(s) of the profession" to "licensee(s)".

(1) A *[member of the profession]* licensee shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship, or sexual relationship, as defined by the committee, with a current client or with a person to whom the member has at any time rendered psychotherapy (clinical social work) or other professional social work services for the treatment or amelioration of mental and emotional conditions. Business relationships do not include purchases made by the member from the client when the client is providing necessary goods or services to the general public, and the member determines that it is not possible or reasonable to

obtain the necessary goods or services from another provider.

(2) A *[member of the profession]* licensee shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(3) A *[member of the profession]* licensee should make clear to clients the purposes, goals, techniques, rules of procedure, and limitations that may affect the professional relationship at or before the time that it is begun. A *[member of the profession]* licensee shall not provide professional services to clients without being able to justify the basis upon which those services are rendered.

(4) A *[member of the profession]* licensee should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients. A *[member of the profession]* licensee shall not undertake or continue a professional relationship with a client when the competency of the member is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the member shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A *[member of the profession]* licensee shall not undertake and/or continue a professional relationship with a client when the objectivity or competency of the member is, or reasonably could be expected to be, impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the *[member of the profession]* licensee shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination, and shall assist the client in obtaining services from another professional.

(6) A *[member of the profession]* licensee should be knowledgeable about the services available in the community and make appropriate referrals for their clients. When a *[member of the profession]* licensee has a relationship, particularly of an administrative, supervisory, and/or evaluative nature, with an individual seeking counseling services, the licensed social worker[, *provisional member*] shall not serve as the practitioner for such individual but shall refer the individual to another professional.

(7) A *[member of the profession]* licensee must inform clients about electronic recording of sessions, how such sessions will be used, and provide specific information about any specialized or experimental activities in which they may be expected to participate as a condition of service.

(8) A *[member of the profession]* licensee shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship or when the service has been satisfactorily rendered.

(9) A *[member of the profession]* licensee shall protect clients against physical threats, intimidation, and coercion in the provision of social services insofar as is reasonably possible.

(10) A *[member of the profession]* licensee shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

(11) A *[member of the profession]* licensee rendering services to a client shall maintain professional records that include:

(13) A *[member of the profession]* licensee shall not falsify or permit the unauthorized destruction of client records.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, RSMo 2016, and sections 337.615 and 337.627, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.040. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.060 Relationships with Colleagues. The committee is amending sections (1)-(6).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) A *[member of the profession]* licensee should act with integrity in his/her relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the contribution of all colleagues toward achieving optimum benefit for clients.

(2) A *[member of the profession]* licensee shall not knowingly cause a client to terminate the service of another professional solely for personal gain.

(3) A *[member of the profession]* licensee shall not exploit his/her professional relationships with supervisors, colleagues, supervisees, students, or employees either sexually, economically, or otherwise.

(4) A *[member of the profession]* licensee who has direct knowledge of a social work colleague’s impairment which is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties, and which interferes with practice effectiveness should consult with that colleague when feasible and assist the colleague in taking remedial action.

(5) A *[member of the profession]* licensee who functions as a supervisor or educator shall not engage in sexual intimacies or contact as defined in the rules promulgated by the committee, with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(6) A *[member of the profession]* licensee must exercise appro-

appropriate supervision and provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.060. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.080 Public Statements/Fees. The committee is amending sections (1)-(4) and (6)-(9).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) A *[member of the profession]* licensee shall not—

(2) A *[member of the profession]* licensee shall use only those educational credentials in association with his/her license and practice as a licensed social worker that have been earned at an acceptable educational institution. A *[member of the profession]* licensee shall not misrepresent their credentials, training, or level of education.

(3) A licensed social worker holder shall use his/her title (i.e., “licensed clinical social worker (LCSW)”, “**licensed master social worker (LMSW)**”, “**licensed advanced macro social worker (LAMSW)**” or “licensed baccalaureate social worker (LBSW)”) in any advertising, public directory, or solicitation, including telephone directory listings, regardless of whether this presentment is made under the licensee’s name, a fictitious business or group name, or a corporate name.

(4) A *[member of the profession]* licensee shall have his/her license prominently displayed at all times as proof of licensure to the client.

(6) A *[member of the profession]* licensee shall not accept compensation for the professional services from anyone other than the client without disclosure to the client or his/her legal guardian.

(7) A *[member of the profession]* licensee shall not accept for professional services any form of remuneration including the bartering of services which has the effect of exploiting the professional

relationship or creating a dual or multiple relationship.

(8) A *[member of the profession]* licensee shall consider the value of his/her services and the financial ability of clients in establishing reasonable fees for professional services.

(9) A *[member of the profession]* licensee shall not accept a fee for professional services or any form of remuneration from clients who are entitled to services through an institution or agency or other benefits structure, unless clients have been fully informed of the availability of, or payments for, these services from other sources.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.080. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.100 Confidentiality. The committee is amending sections (1)-(6).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) A *[member of the profession]* licensee shall take reasonable personal action, and inform responsible authorities or inform those persons at risk, when the conditions or actions of clients indicate that there is clear and imminent danger to clients or others. When the member is uncertain about the duty to protect, consultation with other professionals is appropriate.

(2) A *[member of the profession]* licensee shall inform clients, at the onset of the professional relationship, of the limits of confidentiality.

(3) A *[member of the profession]* licensee shall keep confidential his/her therapy relationships with clients including information obtained from this relationship with clients with the following exceptions:

(4) A *[member of the profession]* licensee shall make every reasonable effort to see that the member’s employer provides for maintenance, storage, and disposal of the records of clients so that unauthorized persons shall not have access to these records.

(5) A *[member of the profession]* licensee shall not forward to another person, agency, or potential employer any confidential information of a client without the written consent of the client(s) or their legal guardian(s) nor shall they violate any laws or regulations of this state or the federal government with respect to this information.

(6) When providing counseling services to families, couples, or groups, a *[member of the profession]* licensee shall seek agreement among the parties involved concerning each individual’s right to confidentiality and obligation to preserve the confidentiality of information shared by others. Participants in family, couples, or group counseling shall be informed by the member that there is no guarantee that all participants will honor such agreements.

AUTHORITY: sections 337.600 and 337.630, RSMo 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. [2018] 2019. This rule originally filed as 4 CSR 263-3.100. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsw@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.120 Research on Human Subjects. The committee is amending sections (1)-(5).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) A *[member of the profession]* licensee shall ensure that the welfare of a client is in no way compromised in any experimentation and/or that the client is not participating in any experimentation against his/her will.

(2) In presenting case studies in classes, professional meetings, or publications, licensed *[members of the profession]* licensees shall disguise the identity of clients to assure full confidentiality.

(3) In conducting any research on human subjects, a *[member of the profession]* licensee shall not violate any laws or regulations of this state or the federal government.

(4) When planning any research activity dealing with human subjects, a *[member of the profession]* licensee shall ensure that research problems, design, and execution are in full compliance with Protection of Human Subjects as published in the *Code of Federal Regulations* 45 CFR 46.

(5) A *[member of the profession]* licensee in evaluation or research must obtain voluntary and written informed consent from participants without any implied or actual deprivation or penalty for refusal to participate, without undue inducement to participate, and with due regard for participants' well-being, privacy, and dignity. Informed consent must include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits in the research.

AUTHORITY: sections 337.600[, 337.615, 337.627,] and 337.630, [and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.627, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.120. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2263—State Committee for Social Workers Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

20 CSR 2263-3.140 Competence. The committee is amending sections (1) and (2).

PURPOSE: This amendment updates terminology from “member(s) of the profession” to “licensee(s)”.

(1) A *[member of the profession]* licensee shall:

(2) A *[member of the profession]* licensee shall not engage in the practice of social work beyond the scope of his/her competence, as is demonstrated by his/her education, training, or experience. A *[member of the profession]* licensee shall make a referral to other professionals when the services required are beyond his/her competence.

AUTHORITY: sections 337.600[, 337.615, 337.618, 337.627,] and 337.630, [337.662, and 337.665,] RSMo [Supp. 2009] 2016, and sections 337.615, 337.618, 337.627, 337.662, and 337.665, RSMo Supp. 2019. This rule originally filed as 4 CSR 263-3.140. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.550 is amended.

This rule establishes season dates and limits for certain fish and is exempted by sections 536.021, RSMo 2016 from the requirements for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-6.550 Other Fish by establishing season dates for taking fish from waters of the state.

3 CSR 10-6.550 Other Fish

(2) Methods and Seasons.

(D) Fish included in this rule may be taken by gig or atlatl from streams and impoundments between sunrise and midnight from September 15 through February 15, and from impounded waters between sunrise and sunset throughout the remainder of the year.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are exempted from the requirement of filing as a proposed amendment under section 536.021, RSMo 2016.

This amendment was filed August 26, 2019, becomes effective **September 15, 2019**.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 5—Historic Preservation Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department amends a rule as follows:

4 CSR 85-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1248-1249). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received four (4) comments on the proposed amendment.

COMMENT #1: One (1) commenter requested that the definition of "final completion" be changed to match a separate federal law standard.

RESPONSE: This definition was already in the rule, and the only changes proposed by this amendment are grammatical. This request is outside the purview of the amendment change and therefore cannot be addressed at this point.

COMMENT #2: One (1) commenter requested clarification related to incomplete applications, administrative closure, and resubmission of applications.

RESPONSE: The department believes that these new definitions provide sufficient guidance for applicants to understand its processes, and staff can provide further information or clarification as needed upon inquiry. No changes have been made to the rule as a result of this comment.

COMMENT #3: One (1) commenter requested that several definitions be changed to match federal guidance, and that the definition of "qualified rehabilitation expenditures" be expanded to include all improvements made to provide access to a building as described in the Americans With Disabilities Act.

RESPONSE: Although the state program is separate from the federal program, the department recognizes that historic preservation projects often participate in each program. The department believes that its rules adequately ensure that its processes will not conflict with analogous federal provisions, and therefore no changes have been made to the rule as a result of this comment. Staff will review on a case-by-case basis expenditures relating to Americans With Disabilities Act requirements. No changes have been made to the rule as a result of this comment.

COMMENT #4: At the hearing on the department's proposed regulations, the Joint Committee on Administrative Rules stated its belief that if the department wished to update its list of qualified rehabilitation expenditures in its guidelines as previously proposed in subsection (2)(T), it would need to undertake rulemaking each time it updated the list.

RESPONSE AND EXPLANATION OF CHANGE: The department deleted the language in the proposed regulation concerning publishing a binding list each year in its program guidelines.

4 CSR 85-5.010 Overview and Definitions

(2) As used in this chapter, the following terms mean:

(T) Qualified Rehabilitation Expenditures, or QREs. Those expenditures that are used as eligible basis on which to calculate the Missouri Historic Preservation Tax Credit. Such costs include, but shall not be limited to, qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, as determined by the department.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department amends a rule as follows:

4 CSR 85-5.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1249–1251). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received thirty-five (35) comments on the proposed amendment.

COMMENT #1: One (1) commenter requested clarification related to excess credit application scoring and priority.

RESPONSE: The department believes that, read in conjunction with other rules in this chapter, the rule provides sufficient guidance related to excess credit applications. No changes have been made to the rule as a result of this comment.

COMMENT #2: One (1) commenter stated that the treatment of incomplete applications for less than two hundred seventy-five thousand dollars (\$275,000) in credits was unclear based on the interaction of sections (1) and (2) in the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The department has moved the sentence from section (2) regarding incomplete applications to section (1) so that it will more clearly apply to all applications, including those requesting less than two hundred seventy-five thousand dollars (\$275,000) in credits.

COMMENT #3: One (1) commenter requested clarification in section (2) of the proposed amendment regarding the treatment of Tier 2- and Tier 3-scored applications in the event that the annual limit of authorized tax credits is not reached by approval of Tier 1-scored applications only.

RESPONSE: The department believes that, read in conjunction with other rules in this chapter, the rule provides sufficient guidance related to excess credit applications. No changes have been made to the rule as a result of this comment.

COMMENT #4: Several commenters requested that section (7) of the proposed amendment be changed so that the two (2) statutory dol-

lar limits on authorized tax credits be administered independently, rather than jointly.

RESPONSE: The department interprets section 253.550.2(2), RSMo as prioritizing qualified census tract projects by allowing them access to additional authorized tax credits beyond the general allowance; the suggested change would create less of an incentive to pursue such projects. Therefore, no changes have been made to the rule as a result of this comment.

COMMENT #5: One (1) commenter requested that the independent review process described in section (10) of the proposed amendment be made available to all projects, including those approved prior to Senate Bill 590 (2018).

RESPONSE: The rule permits any applicant to request an independent review process as established in section (10). No changes have been made to the rule as a result of this comment.

COMMENT #6: Several commenters generally requested that sections (8) and (9) of the proposed amendment be reverted or modified and stated that changing the allowed timing of expenses may cause increased project costs, uncertainty, and less timely repairs.

RESPONSE AND EXPLANATION OF CHANGE: The department is modifying sections (8) and (9) to prescribe a single measuring date for the consideration of project costs.

COMMENT #7: Several commenters requested that section (12) of the proposed amendment be omitted or changed so that seeking excess tax credits beyond the amount initially approved for an application will not be treated as a new application for tax credits and requested that this process not apply to projects that had already been approved.

RESPONSE: The department believes that the proposed process for excess tax credit applications is most clearly supported by the statutes. Section 253.559.10, RSMo requires that applicants submit a separate application for excess credits and that such applications are subject to the provisions regarding priority and approval. No changes have been made to the rule as a result of this comment.

COMMENT #8: One (1) commenter requested that the rules prescribe a process for requesting less than two hundred seventy-five thousand dollars (\$275,000) in tax credits for projects with qualified rehabilitation expenditures totaling more than \$1,100,000.

RESPONSE: This request is outside the purview of the amendment changes and therefore cannot be addressed at this point.

COMMENT #9: One (1) commenter expressed agreement with the inclusion of section (13) in the proposed amendment and suggested a longer time period than five (5) years.

RESPONSE: After implementation and evaluation of program administration, the department will review whether the time period needs to be altered. No changes have been made to the rule as a result of this comment.

COMMENT #10: One (1) commenter asked a question about documentation of assessed property values.

RESPONSE: This inquiry is outside the purview of the amendment changes and therefore cannot be addressed at this point.

4 CSR 85-5.020 Applications

(1) All applicants shall submit a preliminary application. The department will automatically reject all incomplete applications. Sections (2) through (7) of this rule shall not apply to projects to receive less than two hundred seventy-five thousand dollars (\$275,000) of tax credits.

(2) A preliminary application will be scored and considered by the department in accordance with section 253.559.3(1), RSMo. The

scoring criteria for preliminary applications shall be published annually on the department's website. Based on their scores, the department will place preliminary applications into one of three tiers: Tier 1, Tier 2, or Tier 3.

(8) An applicant's hard costs set forth in a preliminary application will be considered eligible for tax credits only if such costs are incurred on or after the date on which the department receives the preliminary application.

(9) An applicant's soft costs set forth in a preliminary application will be considered eligible for tax credits only if such costs are incurred within one (1) year prior to the date on which the department receives the preliminary application, or later.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 85—Division of Business and Community Services
Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department amends a rule as follows:

4 CSR 85-5.030 Preliminary Application Evaluation—Net Fiscal Benefit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1251–1252). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT: Two (2) commenters acknowledged that the proposed amendment effectuates a recent legislative enactment and requested access to the economic model the department will use to evaluate projects.

RESPONSE: The department intends for the near term to use its current economic modeling software for its net fiscal benefit analyses, which it has licensed from a third party and is proprietary to that party. Therefore, the department cannot make it public as part of this rulemaking or otherwise. No changes have been made to the rule as a result of this comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 85—Division of Business and Community Services
Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.040 Preliminary Application Evaluation—Overall Size and Quality of the Project is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1252). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received seventeen (17) comments on the proposed rule.

COMMENT #1: Several commenters stated that the proposed rule could incentivize building projects that were not residential in purpose but very large in scale, and they suggested alternative scoring methods to incentivize smaller and residential projects.

RESPONSE: Senate Bill 590 (2018) modified section 253.559.3, RSMo to require the department to evaluate projects specifically on the "overall size . . . [and] number of new jobs to be created by" projects. The department must follow the statute. The scoring system offers additional opportunities in other categories, such as location in a distressed area, which benefit various types of projects. No changes have been made to the rule as a result of this comment.

COMMENT #2: Two (2) commenters asked questions about the use of spreadsheets, local incentives, and additional paperwork.

RESPONSE: This inquiry is outside the purview of the amendment changes and therefore cannot be addressed.

COMMENT #3: One (1) commenter suggested that the rule include new language to effect a preference for applicants who have earned Missouri income for several recent years, demonstrating a connection and commitment to the state.

RESPONSE: Such a provision would be unconstitutional, and therefore no changes have been made to the rule as a result of this comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 85—Division of Business and Community Services
Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.050 Preliminary Application Evaluation—Level of Economic Distress is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1252–1253). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT: One (1) commenter stated that the proposed rule's consideration of economically disadvantaged census tract designations is undesirable because it may exclude small towns.

RESPONSE: Senate Bill 590 (2018) modified section 253.559.3, RSMo to require the department to evaluate projects specifically on the "level of economic distress" in a project area, and the bill modified section 253.550, RSMo to incentivize projects in qualified census

tracts. The department must follow the statute. Further, many qualified census tracts and opportunity zones throughout the state are located in rural and urban areas. No changes have been made to the rule as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 5—Historic Preservation Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.060 Preliminary Application Evaluation—Input from Local Elected Officials is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1253). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT: One (1) commenter suggested that an inconsistency exists between favorably viewing committed local financial incentives as proof of local support in section (1) when those same local incentives might decrease the net fiscal benefit to the state and local municipality calculated pursuant to 4 CSR 85-5.030.

RESPONSE: Senate Bill 590 (2018) modified section 253.559.3, RSMo to require the department to consider the “amount of projected net fiscal benefit of the project to the state and local municipality” and “input from the local elected officials . . . as to the importance of the proposed project to the municipality” when evaluating projects. The department must follow the statute. In the department’s experience, a commitment of local incentives is one of the strongest indicators of local support for a development to occur. No changes have been made to the rule as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 5—Historic Preservation Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.070 Compliance with Other Provisions of Law is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1253). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received six (6) comments on the proposed rule.

COMMENT #1: Several commenters requested deletion of the language in section (2) of the proposed rule requiring project costs to be paid or incurred in the name of the tax credit applicant in order to be considered as qualified rehabilitation expenditures.

RESPONSE: Allowing third-party payors of qualified rehabilitation expenditures in the past has created documentation and compliance issues for department staff who administer the program. The department spends increasing resources identifying and correcting errors and determining whether payment arrangements circumvent program requirements. The proposed section (2) will increase efficiency in program administration helping to ensure that program resources are expended more in alignment with its purposes. No changes have been made to the rule as a result of this comment.

COMMENT #2: Several commenters suggested alternative language or exceptions to the provisions of section (2) of the proposed rule to allow reimbursement arrangements.

RESPONSE: After implementation and evaluation of program administration, the department will review whether exceptions or alternative language may be appropriate. No changes have been made to the rule as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 85—Division of Business and Community
Services
Chapter 5—Historic Preservation Tax Credit Program**

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.080 Phased Projects is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1253-1254). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed rule.

COMMENT #1: Two (2) commenters requested that certain definitions, timelines, and processes in sections (2), (3), and (4) be modified to replicate similar provisions in federal law.

RESPONSE: Although the state program is separate from the federal program, the department recognizes that historic preservation projects often participate in each program. The department believes that these sections adequately ensure that its processes will not conflict with analogous federal provisions, and therefore no changes have been made to the rule as a result of this comment.

COMMENT #2: Two (2) commenters requested the deletion of section (5) of the proposed rule, requiring that each phase of a phased project meet statutory requirements on a standalone basis.

RESPONSE: The department must ensure that projects meet all statutory requirements before it has authority to issue any tax credits. No changes have been made to the rule as a result of this comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.090 Developer Fees; General Contractor Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1254). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT: One (1) commenter requested a definition of “reasonable” as used in subsection (2)(A) and section (3) of the proposed rule and suggested that the related provisions may not be statutorily authorized.

RESPONSE: The department believes that “reasonable” as defined in the proposed rule is a sufficiently clear legal standard that it has authority to establish as a program requirement. No changes have been made to the rule as a result of this comment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.100 Not-for-Profits is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1254-1255). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 85—Division of Business and Community Services

Chapter 5—Historic Preservation Tax Credit Program

ORDER OF RULEMAKING

By the authority vested in the Department of Economic Development

under section 135.487, RSMo 2016, and section 620.010, RSMo Supp. 2019, the department adopts a rule as follows:

4 CSR 85-5.110 Administrative Closure is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1255). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2016, the commission amends a rule as follows:

10 CSR 10-6.030 Sampling Methods for Air Pollution Sources is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2019 (44 MoReg 1138). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources’ Air Pollution Control Program received no comments on the proposed amendment.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 15—Lead and Copper**

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo 2016, the commission amends a rule as follows:

10 CSR 60-15.020 Applicability of Corrosion Control Treatment Steps to Small, Medium-Size, and Large Water Systems is amended.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2019 (44 MoReg 1138-1139). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 22, 2019, and the public comment period ended May 29, 2019. At the public hearing, the department’s public drinking water branch staff provided testimony on the proposed

amendment. No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax**

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.191, RSMo 2016, the director amends a rule as follows:

12 CSR 10-2.015 Employers' Withholding of Tax is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1553-1557). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division, under sections 207.022 and 660.017, RSMo 2016, the division amends a rule as follows:

13 CSR 40-2.180 Confidentiality of Case Records is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1557). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

ORDER OF RULEMAKING

By the authority vested in the State Treasurer's Office under sections 447.543 and 447.572, RSMo 2016, the treasurer amends a rule as follows:

15 CSR 50-3.010 Unclaimed Property—General Considerations is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2019 (44 MoReg 1874). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

ORDER OF RULEMAKING

By the authority vested in the State Treasurer's Office under sections 447.543 and 447.572, RSMo 2016, the treasurer amends a rule as follows:

15 CSR 50-3.070 Reporting and Delivery of Property Presumed Abandoned is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2019 (44 MoReg 1874-1875). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 50—Treasurer
Chapter 3—Unclaimed Property**

ORDER OF RULEMAKING

By the authority vested in the State Treasurer's Office under sections 447.543 and 447.572, RSMo 2016, the treasurer amends a rule as follows:

15 CSR 50-3.100 Sale Of Abandoned Property is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2019 (44 MoReg 1875). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees'
Retirement System (LAGERS)
Chapter 1—General Organization**

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees' Retirement System (LAGERS) under section 70.605.21, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-1.010 General Organization is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1682). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’ Retirement System (LAGERS) under section 70.605.21, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.040 Refunds is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1682). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’ Retirement System (LAGERS) under sections 70.605.21 and 70.645, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.045 Application for Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1682-1683). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’ Retirement System (LAGERS) under section 70.605.21, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.056 Lump-Sum Cash Payout of Retirement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1683). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’ Retirement System (LAGERS) under sections 70.605.21 and 70.735, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.070 Collection of Delinquent Payments is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1683-1684). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 20—Missouri Local Government Employees’
Retirement System (LAGERS)
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Local Government Employees’ Retirement System (LAGERS) under sections 70.605.21, RSMo 2016, the Retirement System amends a rule as follows:

16 CSR 20-2.105 Redetermination of Allowances During Deflation and Consumer Pricing Indices To Be Considered is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1684). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.001 Anesthesiologist Assistants in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44

MoReg 1277). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006, 197.154, and 338.165, RSMo 2016, and sections 197.080 and 197.293, RSMo Supp. 2019, the department amends a rule as follows:

19 CSR 30-20.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1277-1280). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received seven (7) comments on the proposed amendment.

COMMENT #1: The Missouri Hospital Association (MHA) commented that the definition of “Premises” in section (21) seemed very broad as compared to 197.052, RSMo. MHA also commented that it was unclear if a building owned by the hospital but leased to another entity would need to be included as a part of the premises and, if so, under what standards it would be surveyed. MHA thus proposed modifications based on its comments, including defining premises as those areas defined by the hospital as such, removing the requirement of meeting construction standards, and specifying that the buildings and areas listed as hospital premises would be surveyed to the function of the areas.

RESPONSE AND EXPLANATION OF CHANGE: The department does not agree that the definition for “Premises” in section (21) should be defined as what a hospital identifies as its premises, and the department did not believe that a statement that the premises would be surveyed according to their function should be included in the definition or was sufficiently specific. Nevertheless, the department believes that the lack of clarity discerned by MHA results from the inclusion of existing requirements for hospitals in the definition of “Premises,” such as the statutory definition of hospital and the construction requirements, which seems duplicative. Rather than restating these requirements to form a definition of premises, the department believes that such a definition is unnecessary. Therefore, the department will remove the definition of “Premises” and will renumber later sections as necessary.

COMMENT #2: The Missouri Board of Pharmacy in the Division of Professional Registration (BOP) commented that the definition of “Intern Pharmacist” in section (13) should be modified to include that the individual is currently licensed as an intern pharmacist under Chapter 338, RSMo. BOP expressed that this change would be consistent with the proposed definitions for “Pharmacist” in section (18) and “Pharmacy technician” in section (19).

RESPONSE AND EXPLANATION FOR THE CHANGE: The department agrees and will adopt this recommended change except for the addition of “currently,” which if added could suggest that the

individual must be licensed on the effective date of this rule.

COMMENT #3: The Missouri Pharmacy Association (MPA) commented that the department lacks the authority to define in the rule the terms “Compounding,” “Intern pharmacists,” and “Pharmacy technicians” for the same reasons that MPA commented the department does not have the authority to promulgate 19 CSR 30-20.100, which the department incorporates here. With respect to proposed 19 CSR 30-20.100, MPA commented, among other things, that the rule does not reasonably flow from any applicable statute, that the department does not have the statutory authority to promulgate regulations setting forth the qualifications or scope of practice of licensed pharmacists or registered pharmacy technicians—regardless of the fact that those persons work in hospital pharmacies—and that this function was limited to BOP, citing sections 338.010 and 338.013, RSMo. MPA indicated and that allowing the department to have authority to define the qualifications and scope of practice of pharmacy technicians working in hospital pharmacies would create inconsistencies in requirements and enforcement, as well as confusion amongst licensees or registrants regarding their scope of practice. Citing Chapter 197, RSMo, MPA notes that “[n]ot a single section governing hospitals mentions pharmacies, pharmacists, pharmacy technicians, or pharmaceutical services.” Citing Chapter 192, RSMo, MPA similarly notes that “none of the statutes discuss the regulation of pharmacies, pharmacists, pharmacy technicians, or pharmaceutical services.” MPA commented that these chapters do not permit the department to expand the scope of practice of a pharmacy technician within a hospital beyond what is permitted in a retail or other type of licensed pharmacy. And asserting that CMS’s State Operations Manual does not permit a “pharmacy technician to provide pharmaceutical services when a pharmacist is off-site,” MPA also maintains that nothing in federal Medicare and Medicaid regulations supports the rule and contends that the rule is inconsistent with 42 CFR 482.25, thereby violating section 197.080.2(2), RSMo.

Citing section 338.165.3, RSMo, MPA additionally commented that the rule was not promulgated in conjunction with BOP.

RESPONSE: For the reasons stated by the department in the Order of Rulemaking for 19 CSR 30-20.100 which the department incorporates here, the department does not agree with MPA’s assertions regarding the department’s authority over hospital pharmacies. Among other reasons set forth in the Order of Rulemaking for 19 CSR 30-20.100, the department notes with respect to the definitions of the terms “Compounding,” “Intern pharmacists,” and “Pharmacy technicians” that the department has the “sole authority [] and responsibility for inspection and licensure of hospitals in this state including, but not limited to, all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever.” § 197.100.1 RSMo (emphasis added). Pharmacies in hospitals, and pharmacy services and activities in hospitals provided by pharmacists and pharmacy technicians, contribute directly or indirectly to patient care of any kind. This authority and responsibility is reiterated in section 338.165.2 RSMo. And this authority and responsibility is notwithstanding “[a]ny provision of chapter 198 and chapter 338 to the contrary .” § 197.100.1, RSMo.

Regarding this responsibility for inspection and licensure of all parts and services of hospitals contributing to patient care, section 192.006, RSMo, permits the department to adopt rules “necessary to carry out the duties assigned to it.” Some of those duties are the duties to “adopt . . . promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare.” § 197.080.1, RSMo. The department does not find Chapter 192, RSMo’s, and Chapter 197, RSMo’s, failures to expressly mention pharmacies or other pharmacy-related terms (like compounding or pharmacy technician) significant given

the comprehensive breadth of authority granted the department over hospital licensure. As such, Chapters 192 and 197, RSMo, unequivocally grant the department the authority to promulgate rules thoroughly setting forth standards governing all services and activities in hospitals that touch on patient care, and the department believes that the definitions for the terms “Compounding,” “Intern pharmacists,” and “Pharmacy technicians” reasonably flow from the applicable statutes. The department finds that the rule does not contravene BOP’s authority or that the department is performing a function of BOP (positions which BOP itself did not take), even if the department is defining terms (for the hospital context) also defined by BOP for its contexts. And the department does not agree that the rule violates federal law or any of CMS’s guidance in the State Operations Manual.

To the extent that the department was required to promulgate these definitions “in conjunction with” BOP under section 338.165.3, RSMo, the department has done so. In developing definitions, the department specifically sought BOP’s input which BOP provided, and BOP has expressed no opposition to the department’s definitions other than the suggested change noted above, which the department (as noted) agrees with. Therefore, this statutory requirement has been met, and the definitions will not be removed.

COMMENT #4: Morgan Simpson commented that the definition for “Licensed practitioner” in section (14) be modified by adding “by Missouri statutes” after “qualified” and “or services” after “profession.”

RESPONSE: The department believes that the proposals may have some merit but also may have unintended negative effects and thus does not adopt them. Adding “by Missouri statutes” as proposed could introduce an ambiguity to the definition that would be considered limiting. Adding “services” as proposed could include individuals who must be licensed to perform a service in a health care setting but do not actually practice health care. Therefore, the department appreciates the comments but does not adopt them.

COMMENT #5: Staff from the department commented that—if section (2) of proposed 19 CSR 30-20.100 is not promulgated—the definitions for “Electronic Supervision” in section (9) and “Real-Time” in section (22) should be removed because they do not define terms used in any other section of a rule being promulgated.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the rule should be changed as proposed and will renumber sections as necessary after removing these definitions, starting with the definition of “Hospital” as being section (9) in the promulgated rule.

COMMENT #6: Staff from the department commented that the rule should include a definition of “immediate and serious threat to the patients’ health and safety” to meet the requirements of section 197.293, RSMo, and that this definition should reflect, to the extent practicable, the definition of “immediate jeopardy” used in the context of the Medicare survey, certification, and enforcement procedures for consistency.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the rule should be changed as proposed and will renumber sections as a result of adding this definition.

COMMENT #7: Staff from the department commented that 338.165, RSMo, should be added to the statutory authority for the rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that the Authority section should be changed as proposed.

19 CSR 30-20.011 Definitions Relating to Hospitals

(9) Hospital—

(A) A facility that provides inpatient care for medical or surgical

patients, or both, and may include pediatric, obstetrical and newborn, psychiatric, or rehabilitation patients; and

(B) A facility that is devoted primarily for the diagnosis, treatment, or care for not less than twenty-four (24) consecutive hours in any week of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions, or devoted primarily to provide for not less than twenty-four (24) consecutive hours in any week medical or nursing care for three (3) or more nonrelated individuals and includes;

(C) Building(s)—

1. Constructed to hospital standards as outlined in 19 CSR 30-20.030; and

2. Identified on the hospital’s license application as part of the facility; and

(D) The term “hospital” does not include convalescent, nursing, shelter, or boarding homes as defined in Chapter 198, RSMo.

(10) Immediate and serious threat—A situation in which a hospital’s non-compliance with one (1) or more requirements established under the Hospital Licensing Law or section 197.005, RSMo has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident or patient. Unless the language or context clearly indicates otherwise, this definition is intended to have the same meaning, to the extent practicable, as the definition of immediate jeopardy in 42 CFR section 488.1 (2018). The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule does not incorporate later amendments or additions to 42 CFR section 488.1 (2018).

(21) Registered professional nurse—An individual who is licensed under Chapter 335, RSMo, to practice as a registered professional nurse in the State of Missouri.

(22) Repackage—To remove any drug from the original manufacturer’s container and place the drug in a dispensing container for other than immediate dispensing to a patient.

(23) Resident—A person who by reason of aging, illness, disease, or physical or mental infirmity requires care and services furnished by a long-term care unit and who resides within the unit for care and treatment.

(24) Respiratory Care Practitioner—An individual who is licensed under Chapter 334, RSMo, to practice respiratory care in the State of Missouri.

(25) Root cause analysis—A process for identifying the basic or causal factor(s) that underlie variation in performance, including the occurrence or possible occurrence of a sentinel event.

(26) Unit—A functional division or facility of the hospital.

(27) Unlicensed Assistive Personnel (UAP)—unlicensed health care personnel who provide direct patient care twenty-five percent (25%) or more of the time, under the delegation and supervision of a registered professional nurse. Individuals who provide a specific job function such as, but not limited to, phlebotomist, radiology technician, or patient transporter are not included in this definition.

AUTHORITY: sections 192.006, 197.154, and 338.165, RSMo 2016, and sections 197.080 and 197.293, RSMo Supp. 2019. This rule was previously filed as 13 CSR 50-20.011. Original rule filed June 2, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed March 20, 2019.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006, 197.065, and 197.297, RSMo 2016, and section 197.080, RSMo Supp. 2019, the department amends a rule as follows:

19 CSR 30-20.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1280-1288). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received three (3) comments on the proposed amendment, one (1) proposing a change to the text of the proposed amendment and two (2) proposing changes to the text of the application for licensure.

COMMENT #1: The Missouri Hospital Association (MHA) provided a comment applicable to the Application for licensure, specifically the section entitled Co-location status be revised to read: “Is there another provider or department licensed entity, or a satellite location or another provider or department licensed entity that occupies space in a building identified by the hospital as being a part of the licensed premises?” MHA believes this was necessary because of draft guidance on co-location issued by the Centers for Medicare and Medicaid Services.

RESPONSE AND EXPLANATION OF CHANGE: The department has updated the text of the license application on page 2 under Co-location Status, but the department does not agree with all of the revision suggestions within this comment. The words “same campus as buildings used by the hospitals” will be replaced with “hospital’s licensed premises.” The department believes that co-location for the application should not be determined solely by a hospital’s identification of a building as being part of a licensed premises.

COMMENT #2: MHA also commented that (4) should specifically reference an initial application and should end with the statement that the criteria in section (4) is for initial application for a single hospital licensure and that the annual renewal for a single licensed hospitals will follow the annual licensure process. In addition, MHA commented that (5) should reference the annual renewal license and application.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommended clarification for (4). The department did not agree with the recommendation for (5). The first sentence of this section refers to the license issued by the department, not the renewal application. Also, the addition of “renewal” with respect to the annual application did not seem necessary.

COMMENT #3: Staff from the department provided a comment recommending the correction of a typographical error on page 2 of the application, so that the word “building” would be “buildings.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the recommendation. Therefore the application will be updated to reflect the recommendation.

19 CSR 30-20.015 Administration of the Hospital Licensing Program

(4) An operator of two (2) or more licensed hospitals may submit an

initial application to the Department of Health and Senior Services to operate the hospitals as a single licensed hospital. The two (2) or more licensed hospitals may be separated by a distance which can be traveled in no more than one (1) hour by customary ground transportation in normal weather conditions. The operator shall designate a permanent hospital base from which the one- (1-) hour travel distance is determined. If the application is approved, the hospitals may be named on the licensure application and a single license issued. Before the Department of Health and Senior Services approves the application, the applicant shall submit an operational proposal to the director of the Department of Health and Senior Services for approval. At a minimum the proposal shall include:

(A) Approval from the Certificate of Need program if a Certificate of Need is required under sections 197.300–197.367, RSMo;

(B) Assurance that the applicant presented the initial proposal at a public hearing within the community where the currently licensed hospital(s) is located. The proposal shall provide evidence that the entire community was adequately notified at least two (2) weeks in advance, of the public hearings. The written record of the hearings, including the community response to the proposal, shall be submitted to the Department of Health and Senior Services as a part of the applicant’s proposal. The Department of Health and Senior Services shall be given two (2) weeks advance notice of the public hearings. The Department of Health and Senior Services may consider the information presented as part of the determination process; and

(C) Assurance that the initial applicant is in compliance with Chapter 197, RSMo, and the regulations promulgated thereunder. The above criteria is for initial application for single hospital licensure. The annual renewal for the single licensed hospitals will follow the annual licensure process.

OTHER						
<p>Construction/Renovation</p> <ol style="list-style-type: none"> 1. New hospitals - attach Certificate of Need approvals if applicable. 2. Renovations or construction projects during this licensure period should be submitted in accordance with 19 CSR 30-20.030. 3. Provide a copy of all DHSS current, approved variances. <ol style="list-style-type: none"> a. If new variance(s) is requested, please submit in accordance with 19 CSR 30-20.015. 						
<p>Premises</p> <p>For all locations that will be identified as premises, as defined by 19 CSR 30-20.011, please provide a map or drawing of the premises to illustrate the location of each building. Attach a listing of all buildings with each listed by name, address and type of patient service offered.</p>						
<p>Co-location status</p> <p>Is there another provider or licensed entity, or a satellite location of another provider or licensed entity, that occupies space in a building used by the hospital, or in one or more entire buildings located on the hospital's licensed premises?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>If answer is yes, then list the name and Medicare identification (i.e. 26xxxx) number of the co-located provider or licensed entity.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 65%; padding: 2px;">NAME OF CO-LOCATION PROVIDER, LICENSED ENTITY OR SATELLITE LOCATION</td> <td style="width: 35%; padding: 2px;">MEDICARE IDENTIFICATION NUMBER</td> </tr> <tr> <td style="height: 30px;"></td> <td></td> </tr> </table>			NAME OF CO-LOCATION PROVIDER, LICENSED ENTITY OR SATELLITE LOCATION	MEDICARE IDENTIFICATION NUMBER		
NAME OF CO-LOCATION PROVIDER, LICENSED ENTITY OR SATELLITE LOCATION	MEDICARE IDENTIFICATION NUMBER					
CERTIFICATION						
<p>We the undersigned hereby certify that we have read the foregoing application and that the statements contained therein are true and correct to the best of our knowledge, and further assure the ability and intention of the _____ to comply with Missouri statutes and regulations pertaining to hospital licensure.</p> <p style="text-align: right; margin-right: 100px;">(NAME OF ENTITY)</p>						
CHAIR OF THE GOVERNING BODY SIGNATURE	PRINT NAME	DATE				
CHIEF EXECUTIVE OFFICER SIGNATURE	PRINT NAME	DATE				

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.030 Construction Standards for New Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1288). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 197.065, RSMo 2016, and sections 197.080 and 197.100, RSMo Supp. 2019, the department adopts a rule as follows:

19 CSR 30-20.030 Construction Standards for New Hospitals **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1288–1289). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule to change the text of the proposed rule.

COMMENT #1: The International Association of Healthcare Central Services Materiel Management (IAHCSMM) made a comment applicable to the Construction Standards for New Hospitals. Specifically, the comment applies subsection (4)(A), asserting that it is outdated and suggesting that the department change the text in accordance with ANSI/ST79:2017 which states:

“Steam sterilization cycles typically used in the healthcare facilities include the gravity-displacement cycle and two types of dynamic-air-removal cycles. One type of dynamic-air-removal cycle, the prevacuum cycle, removes air from the chamber and load by means of pressure and vacuum excursions. The other type, the steam-flush pressure-pulse (SFPP) cycle, removes air with a series of steam flushes and pressure pulses above atmospheric pressure.”

RESPONSE: The department does not agree with the suggested change. The rule would require pressure sterilization, of which there are different types. Steam sterilization is only one (1) type of pressure sterilization. Under the rule as drafted, facilities may use any type of pressure sterilization they desire. If the department were to require steam sterilization only as suggested in the comment, this

would limit hospitals’ discretion under the rule. For any specific sterilization processes that do not meet the minimum standard provided in the rule, the department will use the variance process outlined in 19 CSR 30-20.015 to consider requests to deviate from those requirements.

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Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.040 Definitions Relating to Long-Term Care Units in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1289). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 197.297, RSMo 2016, and section 197.080, RSMo Supp. 2019, the department amends a rule as follows:

19 CSR 30-20.050 Standards for the Operation of Long-Term Care Units **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1289–1292). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed amendment.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019,

the department rescinds a rule as follows:

19 CSR 30-20.060 Construction Standards for New Long-Term Care Units in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.080 Governing Body of Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.082 Chief Executive Officer in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior

Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.084 Patients' Rights in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1293). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.086 Medical Staff in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1294). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.088 Central Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1294). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior

Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.090 Food and Nutrition Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1294). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 197.154, RSMo 2016, and section 197.080, RSMo Supp. 2019, the department amends a rule as follows:

19 CSR 30-20.092 Diversion is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1294–1296). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed amendment.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.094 Medical Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1296). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior

Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.096 Nursing Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1296–1297). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.097 Safe Patient Handling and Movement in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1297). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
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Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.098 Pathology and Medical Laboratory Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1297). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior

Services under sections 192.006 and 197.154, RSMo 2016, and section 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.100 Pharmacy Services and Medication Management in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1297). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 192.006 and 338.165, RSMo 2016, and section 197.080, RSMo Supp. 2019, the department adopts a rule as follows:

19 CSR 30-20.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1297–1299). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received twelve (12) comments on the proposed rule.

COMMENT #1: The Missouri Hospital Advisory Committee of the Missouri Board of Pharmacy in the Division of Professional Registration commented that it strongly supports the rule. The Hospital Advisory Committee commented that the rule would align Missouri rules with the standards of the Centers for Medicare and Medicaid Services (CMS). The Hospital Advisory Committee also commented that the rule would permit a pharmacy technician in a hospital to verify the final product prepared by another pharmacy technician (sometimes referred to as “tech-check-tech” and used hereafter), which would allow pharmacists more time to provide higher-level care, is supported by studies from many hospitals, and is supported by the American Society for Health-System Pharmacists. The Hospital Advisory Committee additionally commented that the rule would remove provisions resulting in discarding of medications when a patient goes home (provisions which have the effect increasing patient costs), and would permit remote verification of pharmacy technicians.

RESPONSE: The department agrees that the rule would expressly permit tech-check-tech and remote supervision and with the Hospital Advisory Committee’s other comments. The department notes that the purpose of the Hospital Advisory Committee is to “review and make recommendations to the board [of pharmacy] on the merit of all rules and regulations to be jointly promulgated by the board and the department of health and senior services pursuant to the joint rulemaking authority granted by [section 338.165, RSMo],” § 338.165.11 RSMo, which include this rule.

COMMENT #2: The Missouri Board of Pharmacy in the Division of Professional Registration (BOP) commented that proposed section (2) should not be promulgated. Section (2) is the section that express-

ly permits tech-check-tech and remote supervision of pharmacy technicians by a pharmacist and which the Hospital Advisory Committee of BOP (discussed above) strongly supports. BOP commented that BOP members expressed concerns with bifurcating technician regulation based on practice setting and the potential impact on pharmacy practice statewide. Noting that pharmacy technicians may fluctuate through a variety of practice sites during their careers, BOP commented that differing regulation based on practice setting may cause confusion for technicians and could endanger patient safety. Specifically with respect to tech-check-tech, BOP commented that, absent a strong and well-developed approach, patient safety may be placed at risk if tech-check-tech were allowed, and BOP suggested that the department conduct additional research and stakeholder dialogue regarding tech-check-tech before promulgating a rule expressly permitting it.

RESPONSE: The department appreciates BOP’s comments but respectfully disagrees with them. The department does not believe that section (2) would cause confusion or risk patient safety, notwithstanding that different rules may apply in different settings. The department also believes that tech-check-tech has been adequately researched, and this research demonstrates its safety. The department’s stakeholder dialogue, moreover, has reflected substantial support for the rule. Therefore, the changes suggested by BOP will not be implemented for the reasons provided by BOP.

COMMENT #3: The Missouri Pharmacy Association (MPA) commented that the department does not have the authority to propose regulations on the subject matter of pharmacy technicians, and, even if this were a subject matter over which the Department had authority, there is no statutory support for the policies set forth in the rule. Citing the non-passage of S.B. 1068, 99th Gen. Assembly, 2d sess. (2018) and the case of *Bresler v. Tietjen*, 424 S.W.2d 65, 70 (Mo. 1968), MPA commented that “[u]nsuccessful attempts to obtain passage of legislation on the same subject as a proposed rule creates serious doubt regarding the agency’s authority, especially when the subject of the proposed rule does not reasonably follow from the statute granting rulemaking authority, as is the case here,” and that the rule “is nothing more than an attempt to adopt by regulation a policy that the Missouri General Assembly did not itself pass.”

MPA also commented that the rule includes various provisions regarding the qualifications and scope of practice of pharmacy technicians working in a hospital pharmacy—which MPA asserts are not contained in the version of the rule presently in effect—and that the (proposed) rule does not reasonably flow from any applicable statute. MPA also asserts that the department does not have the statutory authority to promulgate regulations setting forth the qualifications or scope of practice of licensed pharmacists or registered pharmacy technicians—regardless of the fact that those persons work in hospital pharmacies—and that this function was limited to BOP, citing sections 338.010 and 338.013, RSMo. MPA indicated and that allowing the department to have authority to define the qualifications and scope of practice of pharmacy technicians working in hospital pharmacies would create inconsistencies in requirements and enforcement, as well as confusion amongst licensees or registrants regarding their scope of practice. Citing Chapter 197, RSMo, MPA notes that “[n]ot a single section governing hospitals . . . mentions pharmacies, pharmacists, pharmacy technicians, or pharmaceutical services.” Citing Chapter 192, RSMo, MPA similarly notes that “none of the statutes . . . discuss the regulation of pharmacies, pharmacists, pharmacy technicians, or pharmaceutical services.” MPA commented that these chapters do not permit the department to expand the scope of practice of a pharmacy technician within a hospital beyond what is permitted in a retail or other type of licensed pharmacy. And asserting that CMS’s State Operations Manual does not permit a “pharmacy technician to provide pharmaceutical services when a pharmacist is off-site,” MPA also maintains that nothing in federal Medicare and Medicaid regulations supports the rule and contends that the rule is inconsistent with 42 CFR 482.25, thereby violating section

197.080.2(2), RSMo.

Citing section 338.165.3, RSMo, MPA additionally commented that the rule was not promulgated in conjunction with BOP.

RESPONSE AND EXPLANATION OF CHANGE: Despite citing sections 338.010 and 338.013, RSMo, the department notes that MPA does not expressly assert that the rule actually violates the authority in section 338.013.1 RSMo for pharmacy technicians to “assist a pharmacist in the practice of pharmacy” as defined in section 338.010.1, RSMo. In fact, MPA cites no BOP law prohibiting the activities and services that the rule would expressly allow. And, as stated in response to BOP’s comment, the department does not believe that any inconsistencies between pharmacy technicians’ permitted duties in a hospital pharmacy and duties in a retail pharmacy would cause confusion.

The department does not agree that the non-passage of S.B. 1068, 99th Gen. Assembly, 2d sess. (2018) creates any doubt as to the department’s authority to promulgate the rule. To the contrary, the fact that the bill was not enacted supports the opposite conclusion—that a new statute was determined to be unnecessary because the department would be validly promulgating the rule (which was in development with stakeholder involvement at that time) under the authority of existing statutes. *Bresler* does not apply nor require a different conclusion.

To the extent that MPA asserts that the rule presently in effect does not include language governing the duties of pharmacy technicians, the department does not agree. The present rule prohibits the “assign[ment] [to support pharmacy personnel of] duties that by law must be performed by a pharmacist.” 19 CSR 30-20.100(2). The department also does not agree that no statute supports the (proposed) rule or that the express permission it would grant for tech-check-tech and remote supervision (or the other activities and services it governs) in a hospital must come from BOP and not the department. The department has the “sole authority[] and responsibility for inspection and licensure of hospitals in this state including, but not limited to, all parts, services, functions, support functions and activities which contribute directly or indirectly to patient care of any kind whatsoever.” § 197.100.1 RSMo (emphasis added). Pharmacies in hospitals, and pharmacy services and activities in hospitals provided by pharmacy technicians, contribute directly or indirectly to patient care of any kind. This authority and responsibility is reiterated in section 338.165.2 RSMo. And this authority and responsibility is notwithstanding “[a]ny provision of chapter 198 and chapter 338 to the contrary” § 197.100.1, RSMo.

Regarding this responsibility for inspection and licensure of all parts and services of hospitals contributing to patient care, section 192.006, RSMo, permits the department to adopt rules “necessary to carry out the duties assigned to it.” Some of those duties are the duties to “adopt . . . promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare.” § 197.080.1, RSMo. The department does not find Chapter 192, RSMo’s, and Chapter 197, RSMo’s, failures to expressly mention pharmacies or other pharmacy-related terms (like pharmacy technician) significant given the comprehensive breadth of authority granted the department over hospital licensure.

As such, Chapters 192 and 197, RSMo, unequivocally grant the department the authority to promulgate rules thoroughly setting forth standards governing all services and activities in hospitals that touch on patient care, and the department believes that the rule reasonably flows from the applicable statutes. The department finds that the rule does not contravene BOP’s authority or that the department is performing a function of BOP (positions which BOP itself did not take). And the department does not agree that the rule violates federal law, specifically 42 C.F.R. § 482.25, or any of CMS’s guidance in the State Operations Manual. That manual contemplates that pharmaceutical services involving dispensing drugs will be conducted by *or*

under the supervision of a pharmacist, and hospitals are given considerable discretion there in determining measures to ensure a pharmacist’s effective oversight and supervision of pharmaceutical services in a hospital.

Although the department believes that the activities, services, and requirements expressly permitted by section (2) of the rule (tech-check-tech and remote supervision) would promote the safe and adequate treatment of individuals in hospitals, are well-supported by published research, and would enhance hospital efficiencies, the department notes that BOP disagreed that this section of the rule should be promulgated (as noted above). Therefore, if the department were to promulgate the rule with section (2), it would not be “in conjunction with” BOP as required by section 338.165.3, RSMo. Nevertheless, BOP did not express disagreement with any other section of the rule, and in fact the department repeatedly sought and received BOP’s comments on the rule during its development. Therefore, the department believes that—if the rule were promulgated without section (2)—it would be promulgated “in conjunction with” BOP as required by section 338.165.3, RSMo. The department will thus remove section (2) and will promulgate the rule with the sections renumbered reflecting section (2)’s removal.

COMMENT #4: The Missouri Hospital Association (MHA) commented that it strongly supports the rule. MHA commented that regulatory burden was reduced by the absence of duplicative or contradictory federal or state standards, that the hospital environment is (unlike other pharmacy environments) designed to have multiple checks regarding medications before administration, that pharmacy technicians are an important part of the process of medication management, that appropriate education and training for pharmacy technicians were supported, that pharmacists would be able to utilize their education and training to offer effective solutions for medication management and assist in the management of complex patients, and that permitting the dispensing of hospital medications to the discharging patient would reduce patient burden and support positive outcomes.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA’s comment.

COMMENT #5: Saint Luke’s Health System commented that it strongly supports the rule. Saint Luke’s Health System provided the same reasons in support of the rule as MHA.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA’s comment.

COMMENT #6: Lake Regional Health System commented that it strongly supports the rule. Lake Regional Health System provided the same reasons in support of the rule as MHA.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA’s comment.

COMMENT #7: Mercy commented that it strongly supports the rule. Mercy provided the same reasons in support of the rule as MHA.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA’s comment.

COMMENT #8: BJC HealthCare commented that it strongly supports the rule. In addition to reasons provided by MHA and other commenters, BJC HealthCare commented that its fifteen-member hospitals provide a variety of pharmacy services to patients and communities, they were excited the department was proposing to take important steps toward finding workable solutions that allow for expanded pharmacy technician roles, and that, once approved, the rule would be an important positive step for hospital pharmacy practice in Missouri.

BJC HealthCare also commented that allowing appropriately trained pharmacy technicians in licensed hospitals to check the work of other technicians would be in alignment with many other states across the country and that existing evidence supported technicians in this role, performing as accurately as pharmacists related to final product verification. BJC HealthCare commented that the rule could positively impact overall health care costs by allowing technicians to perform some of the activities currently relegated to pharmacists. With respect to the dispensing of medications to discharging patients, BJC HealthCare commented that this would positively result in decreased pharmaceutical waste, assist with continuity of care while the patient would be transitioning to home, and decrease overall expenses for both the patient and the health care system.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA's comment.

COMMENT #9: Stephanie Lumley-Hemme, RPh, MBA commented that she strongly supports the rule. She provided the same reasons as BJC HealthCare above.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA's comment.

COMMENT #10: Ryan Birk, PharmD commented that he strongly supports the rule. In addition to reasons provided by MHA and other commenters, Dr. Birk cited studies supporting tech-check-tech and that the practice is supported by the American Society for Health-System Pharmacists. Dr. Birk also commented favorably on the provisions regarding dispensing of medications to discharging patients and commented that the rule would permit remote verification of pharmacy technician's work.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA's comment.

COMMENT #11: Nancy Konieczny, RPh commented that she strongly supports the rule. She provided the same reasons as Dr. Birk above.

RESPONSE: The department agrees with these comments, except that section (2) must be removed for the reasons provided in response to MPA's comment.

COMMENT #12: Staff from the department commented that 338.165, RSMo, should be added to the statutory authority for the rule.

RESPONSE: The department agrees that the Authority section should be changed as proposed.

19 CSR 30-20.100 Pharmacy Services and Medication Management

(2) An intern pharmacist licensed by the Board of Pharmacy may also perform any activity authorized for pharmacy technicians pursuant to this rule.

(3) Persons involved in compounding, repackaging, dispensing, administration, and controlled substance disposal shall be identified and the records shall be retrievable. Retention time for records of bulk compounding, repackaging, administration, and all controlled substance transactions shall be a minimum of two (2) years. Retention time for records of dispensing and extemporaneous compounding, including sterile medications, shall be a minimum of six (6) months.

(4) All variances, discrepancies, inconsistencies, or non-compliance involving controlled substances—including inventory, audits, security, record keeping, administration, and disposal—shall be reported to

the director of pharmacy services for review and investigation.

(5) Patient medications may be received from an authorized provider. The medications shall—

(A) Be delivered directly to the pharmacy and not to a patient care area unless the pharmacist is not available;

(B) When a pharmacist is present, be identified, determined suitable for use and documented by the pharmacist. When a pharmacist is not present, be identified and documented by an authorized practitioner. Unused doses of medication shall be identified by the pharmacist when the pharmacist is present; and

(C) The pharmacy may compound, repackage, or re-label medications received from an outside provider, including prescriptions dispensed by a pharmacy, as necessary for proper distribution and administration. Records of compounding, repackaging, or relabeling of prescriptions dispensed by a pharmacy shall allow identification of the original prescription.

(6) Sample medications, if allowed, shall be received and distributed only by the pharmacy.

(7) Medications may be provided to patients for use outside the hospital, by persons other than the pharmacist.

(A) When the patient is a registered patient of the emergency department or is being discharged from the hospital—

1. Medications shall be provided according to the hospital's policies and procedures, including:

- A. Circumstances when medications may be provided;
- B. Practitioners authorized to order;
- C. Specific medications;
- D. Limited quantities;
- E. Prepackaging and labeling by the pharmacist;
- F. Final labeling to facilitate correct administration;
- G. Delivery;
- H. Counseling; and
- I. A transaction record.

2. Medications shall be labeled with the date, patient's name, prescriber's name, name and address of the hospital, exact medication name and strength, instructions for use, and other pertinent information;

3. Medications may be provided only when prescription services from a pharmacy are not reasonably available. Reasonably available includes a pharmacist on duty in the hospital or a community pharmacy that is reasonably accessible to the patient;

4. The medication provided shall be limited to urgently needed treatment;

5. The quantity of medication provided shall be limited to the amount necessary until pharmacy services are available;

6. The provisions of paragraph (A)3. and paragraph (A)5. of this subsection shall not apply when the patient is being treated for an acute condition and it is believed that the immediate health and welfare of the patient and/or the community are in jeopardy. The quantity limit may be extended to provide single-course therapy; and

7. Final labeling, delivery and counseling shall be performed by a pharmacist, the prescriber or a registered nurse, except that final labeling and delivery may be performed by an automated dispensing system.

(B) Automated dispensing systems may be used in accordance with all requirements of this section—

1. When the automated dispensing system is controlled by the prescriber it may be used only during times when no pharmacy services are reasonably available, except as allowed in paragraph (A)6 of this section; and

2. When the automated dispensing system is controlled by a pharmacy according to regulations of the Missouri Board of Pharmacy, including, but not limited to 20 CSR 2220-2.900.

(C) Medications in multidose containers that were administered to or used for the patient during the patient's hospital stay may be sent

with the patient at discharge when so ordered by an authorized practitioner.

1. Examples of multidose medication containers include, but are not limited to, inhalers, ointments, creams, medications requiring the original container for dispensing, insulin pens, eye drops, ear drops, and infusions that are currently connected to the patient's infusion device.

2. Written instructions for use shall be provided by a pharmacist, prescriber, or registered nurse at the time of discharge.

3. Controlled substances shall not be sent with the patient, except that controlled substance infusions or continuous delivery systems currently connected to the patient may be sent as follows:

A. The medication is necessary for administration during transport of the patient; and

B. The quantity of controlled substance sent is documented in the patient's medical record by the person sending the medication.

(8) The director of pharmacy services or his/her pharmacist designee shall be an active member of the pharmacy and therapeutics committee or its equivalent, which shall advise the medical staff on all medication matters.

(9) Medications shall be ordered only by practitioners who have independent statutory authority to prescribe or who are authorized to order medications by their professional licensing agency as provided by state law. Authority to order medications may be granted to a non-physician licensed practitioner in accordance with state law

(10) Medications in the possession of the patient at time of admission shall be given to the patient's representative unless there is an identified need to retain them.

(A) Medications that are not given to the patient's representative and that are not to be administered shall be documented, sealed, and stored in a locked area accessible only to individuals authorized to access medications.

(B) Controlled substances shall be security sealed and stored in a locked area accessible only to individuals authorized to administer controlled substances or to authorized pharmacy personnel.

AUTHORITY: sections 192.006 and 338.165, RSMo 2016, and section 197.080, RSMo Supp. 2019. This rule previously filed as 19 CSR 30-20.021(3)(G). Original rule filed June 27, 2007, effective Feb. 29, 2008. Rescinded and readopted: Filed March 20, 2019.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.102 Radiology Services in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.104 Social Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.106 Inpatient Care Units in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1299). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.108 Fire Safety, General Safety and Operating Features is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1300). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.110 Orientation and Continuing Education is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1300). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.112 Quality Assessment and Performance Improvement Program is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1300). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.116 Infection Prevention and Control is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1300-1301). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.118 Outpatient Services in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1301). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.120 Anesthesia Services in Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1301). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.124 Medical Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1301). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.126 Obstetrical and Newborn Services in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1301-1302). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.128 Pediatric Services in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1302). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.130 Post-Anesthesia Recovery Services in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg

1302). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.132 Psychiatric Services in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1302). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.134 Rehabilitation Services in Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1302-1303). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.136 Respiratory Care Services **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1303). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.138 Specialized Inpatient Care Services
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1303). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.140 Surgical Services is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1303). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-20.142 Variance Requests is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1303–1304). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 24—Psychiatric Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-24.010 General Design and Construction Standards for Psychiatric Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1304). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 24—Psychiatric Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-24.020 Administration Standards for Psychiatric Hospitals is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1304). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 24—Psychiatric Hospitals**

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior

Services under sections 197.005 and 197.080, RSMo Supp. 2019, the department rescinds a rule as follows:

19 CSR 30-24.030 Preparation of Plans and Specifications for Psychiatric Hospitals **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2019 (44 MoReg 1304). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed rescission.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement Practices

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 100-1.030 Failure to Acknowledge Pertinent Communication **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1684-1685). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 100—Insurer Conduct
Chapter 4—General

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 100-4.100 Response to Inquiries by the Consumer Affairs Division **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1685). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of

Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 100-8.016 Examination Procedures **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1685-1686). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended July 18, 2019 and a public hearing on the proposed amendment was held July 18, 2019. Timely written comments were received from the Missouri Insurance Coalition. At the hearing, no comments were received.

COMMENT: Brandon Koch, on behalf of Missouri Insurance Coalition, commented that the current regulation states that market conduct surveillance personnel shall prepare a work plan and proposed budget and provide that information to the insurer prior to the commencement of an on-site market conduct examination. The rule further provides that market conduct examinations shall, to the extent feasible, utilize desk examinations and data requests prior to commencing on-site examination activity. The proposed amendment to this rule would appear to delete these requirements by repealing the first two subsections of the rule (sections (1) and (2)). The proposed amendment also adds a new provision (section (3)) which allows an insurer to request a review of the examination costs or data requests if significantly increased from the original work plan. The request is to be reviewed by the market conduct regulation division director or chief examiner who will be required to provide a response within twenty (20) days. The proposed changes to 20 CSR 100-8.016 are somewhat confusing. On one hand – the regulation appears to be removing the requirements to provide a work plan or budget and to use desk-examinations and data calls. On the other hand – the regulation is providing a remedy for an insurer to request a review of examination costs and the amount of data requested. While the deleted language contained in sections (1) and (2) may be contained elsewhere (perhaps the requirements are set forth in the NAIC Market Regulation Handbook or implied as a requirement in 20 CSR 100-8.015), we would prefer that sections (1) and (2) remain in the current regulation.

RESPONSE: In late 2017, Director Chlora Lindley-Myers convened a working group including department staff and ten members of the insurance industry to review Division 100, Chapters 7 and 8 in their entirety to address many concerns the industry had raised regarding the market conduct process. Through several meetings, all of the rules contained in Chapters 7 and 8 were discussed at great length and representatives from both the department and the insurance industry collaborated closely to arrive at the proposed rules filed with the secretary of state's office. The comment indicates the members of the Missouri Insurance Coalition are questioning some of the revised provisions regarding the examination budget. In the conversations of the working group, the members expressed concern over the lack of transparency into the factors underlying the examination. To address these issues, the department streamlined the overall timeline to front load additional information to be delivered contemporaneously with the warrant. The comment disregards the provision contained in 20 CSR 100-8.015, which will be in effect on July 30, 2019, that requires the notice of examination to include a "budget and work plan for the examination." This notice of examination will be provided contemporaneously with the examination warrant. The provisions noted by the commenter regarding the obligation of the Chief Examiner and Division Director to provide updated budget information upon request is an additional requirement upon the department. It does not replace or supercede any current requirements. No

changes have been made to the rule in response to this comment.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 100-8.040 Insurer Record Retention is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1686-1688). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended July 18, 2019 and a public hearing on the proposed amendment was held July 18, 2019. Timely written comments were received from the Missouri Insurance Coalition. At the hearing, no comments were received.

COMMENT: Brandon Koch, on behalf of Missouri Insurance Coalition, provided the following member comments. Section (2) of this rule is amended to provide that “Nothing in this regulation requires an insurer to create records that never existed; however, the division may request the creation of such records if it believes doing so will reduce examination costs.” One (1) of our members noted that an insurer should never be required to create records even though their creation may reduce examination costs. Another member noted concerns with 20 CSR 100-8.040(3)(D). The proposed rule provides that if an insurer maintains a file in a computer format that the insurer must provide the examiners an identifier key at the time of the examination. Our member stated that they do not have an identifier key. The member seeks further clarification with respect to when a key is required. The member’s preference would be only to provide a key in response to a market conduct examination as opposed to proactively creating an identifier key. Another member noted concerns with 20 CSR 100-8.040(4)(B). The member stated that maintaining “records that have been finalized” in a way that “precludes any alteration” will be challenging. The member further noted that it is questionable whether this can be done with their current computer programs or existing data warehouses if the insurer elected to call that formal record. Additionally, the inclusion of “permanent” should be clarified to explain how it relates to the three- (3-) year claim/complaint retention specifications. The member also expressed concerns with being able to transfer the data to an archive system without alteration.

RESPONSE: In late 2017, Director Chlora Lindley-Myers convened a working group including department staff and ten members of the insurance industry to review Division 100, Chapters 7 and 8 in their entirety to address many concerns the industry had raised regarding the market conduct process. Through several meetings, all of the rules contained in Chapters 7 and 8 were discussed at great length and representatives from both the department and the insurance industry collaborated closely to arrive at the proposed rules filed with the secretary of state’s office. The first comment is with regard to the option for an insurer to “create” records to reduce examination costs. The department has heard numerous concerns from insurance companies about the costs of examination. In many instances, this is driven by a lack of cohesive records. This provision is intended to give

the insurer the option to create an electronic file of a compilation of data that will reduce the examiner resources needed to conduct the examination. This provision is not a requirement; it is at the insurers’ sole option to utilize. As to the issue of the identifier key, the rule does not substantively change the current process. An insurer is required to create an identifier key; but the time frame or date is not specified. The only obligation is that an identifier key is provided upon request of an examiner. The rule gives the insurer the option of when creating such a key best meets their needs and reflects their processes. One (1) additional clarification is that this identifier key is generally a policy number or claim number. The last comment pertains to the issue of record retention of archival documents. The current rule already requires records to be maintained in an archival manner. The department merely added clarification regarding this existing requirement at the request of the industry working group. From our review, it appears this question is a company-specific issue best handled through a conversation between the department and the individual company as this is not changing the current requirement. No changes have been made to the rule in response to this comment.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 200—Insurance Solvency and Company
Regulation
Chapter 17—Admissions**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

**20 CSR 200-17.100 Procedure for Forming a Missouri Domestic
Insurance Company is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1688-1689). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**

**Division 200—Insurance Solvency and Company
Regulation
Chapter 17—Admissions**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 200-17.300 Procedure for Redomestication is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1689-1690). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 200—Insurance Solvency and Company Regulation
Chapter 20—Captive Insurance Companies

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 200-20.040 Financial Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1690-1692). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 400—Life, Annuities and Health
Chapter 3—Medicare Supplement Insurance

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under sections 374.045, 376.864, 376.869, and 376.886, RSMo 2016, the director amends a rule as follows:

20 CSR 400-3.650 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1692-1723). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 18, 2019 and the public comment period ended July 17, 2019. No comments were made at the public hearing, but two (2) comments were received by the Department of Commerce and Insurance during the comment period:

COMMENT #1: Michael F. Mann, of United Healthcare Medicare Solutions made a technical comment, noting that the “Notice” provision, found on page 1712 of the *Missouri Register*, should be preceded by three asterisks, rather than two, in accordance with the NAIC model.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with Mr. Mann’s technical comment, and has added a third asterisk (“*”) in front of the word “NOTICE” at the bottom of the chart “PLAN G or HIGH DEDUCTIBLE PLAN G MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD,” just below the row on the chart which references “Hospice Care.”

COMMENT #2: Michael F. Mann, of United Healthcare Medicare

Solutions made a second comment, noting that the column headings for the chart, found on page 1715 of the *Missouri Register*, were incorrect in that they failed to recognize the requirement of a deductible.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with Mr. Mann’s technical comment and has revised the column headings in the two columns on the right side of the chart titled “OTHER BENEFITS – NOT COVERED BY MEDICARE,” which is the last chart in the group of charts labeled “PLAN G or HIGH DEDUCTIBLE PLAN G.” The column originally titled “PLAN PAYS” now reads: “[AFTER YOU PAY \$[2300] DEDUCTIBLE, **] PLAN PAYS”, and the column originally titled “YOU PAY” now reads: “[IN ADDITION TO \$[2300] DEDUCTIBLE, **] YOU PAY.” These technical changes are consistent with the NAIC model.

20 CSR 400-3.650 Medicare Supplement Insurance Minimum Standards Act

(18) Required Disclosure Provisions.

(D) Outline of Coverage Requirements for Medicare Supplement Policies.

1. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant.

2. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than twelve- (12-) point type, immediately above the company name:

“NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued.”

3. The outline of coverage provided to applicants pursuant to this section consists of four (4) parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than twelve- (12-) point type. All plans shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

4. The following items shall be included in the outline of coverage in the order prescribed below.

Benefit Chart of Medicare Supplement Plans Sold on or after January 1, 2020

This chart shows the benefits included in each of the standard Medicare supplement plans. Some plans may not be available. Only applicants first eligible for Medicare before 2020 may purchase Plans C, F, and high deductible F.

Note: a ✓ means 100% of the benefit is paid.

Benefits	Plans available to All Applicants								Medicare first eligible before 2020 only	
	A	B	D	G ¹	K	L	M	N	C	F
Medicare Part A coinsurance and hospital coverage (up to an additional 365 days after Medicare benefits are used up)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Medicare Part B coinsurance or Copayment	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Blood (first three pints)	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Part A hospice care coinsurance or copayment	✓	✓	✓	✓	50%	75%	✓	✓	✓	✓
Skilled nursing facility coinsurance			✓	✓	50%	75%	✓	✓	✓	✓
Medicare Part A deductible		✓	✓	✓	50%	75%	50%	✓	✓	✓
Medicare Part B deductible									✓	✓
Medicare Part B excess charges				✓						✓
Foreign travel emergency (up to plan limits)			✓	✓			✓	✓	✓	✓
Out-of-pocket limit in [2019] ²					[S5,560] ²	[S2,780] ²				

¹ Plans F and G also have a high deductible option which require first paying a plan deductible of [S2300] before the plan begins to pay. Once the plan deductible is met, the plan pays 100% of covered services for the rest of the calendar year. High deductible plan G does not cover the Medicare Part B deductible. However, high deductible plans F and G count your payment of the Medicare Part B deductible toward meeting the plan deductible.

² Plans K and L pay 100% of covered services for the rest of the calendar year once you meet the out-of-pocket yearly limit.

³ Plan N pays 100% of the Part B coinsurance, except for a co-payment of up to \$20 for some office visits and up to a \$50 co-payment for emergency room visits that do not result in an inpatient admission.

PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan F after you have paid a calendar year [S2300] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are [S2000]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan’s separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing, and miscellaneous services and supplies First 60 days 61st thru 90 th day 91st day and after: —While using 60 lifetime reserve days Once lifetime reserve days are used: —Additional 365 days ---Beyond the additional 365 days	All but S[1364] All but S[341] a day All but S[682] a day S0 S0	S[1364] (Part A deductible) S[341] a day S[682] a day 100% of Medicare-eligible expenses S0	S0 S0 S0**** All costs

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,** ↓ PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital First 20 days 21st thru 100th day 101st day and after	All approved amounts All but \$[170.50] a day \$0	\$0 Up to \$[170.50] a day \$0	\$0 \$0 All costs
BLOOD First 3 pints Additional amounts	\$0 100%	3 pints \$0	\$0 \$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited copayment/coinsurance for outpatient drugs and inpatient respite care	Medicare copayment/coinsurance	\$0

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed S[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan F after one has paid a calendar year [S2300] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are [S2300]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
<p>MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, Such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment,</p> <p>First S[185] of Medicare-approved amounts*</p> <p>Remainder of Medicare-approved amounts</p>	<p>\$0</p> <p>Generally 80%</p>	<p>S[185] (Part B deductible)</p> <p>Generally 20%</p>	<p>\$0</p> <p>\$0</p>

Part B excess charges (Above Medicare-approved amounts)	\$0	100%	\$0
BLOOD First 3 pints	\$0	All costs	\$0
Next \$[185] of Medicare-approved amounts*	\$0	\$[185] (Part B deductible)	\$0
Remainder of Medicare-approved amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN F or HIGH DEDUCTIBLE PLAN F

PARTS A & B

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$[2300] DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$[2300] DEDUCTIBLE,** YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	\$0	\$0
—Durable medical equipment			
First \$[185] of Medicare-approved amounts*	\$0	\$[185] (Part B deductible)	\$0
Remainder of Medicare-approved amounts	80%	20%	\$0

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	AFTER YOU PAY \$[2300] DEDUCTIBLE,** PLAN PAYS	IN ADDITION TO \$[2300] DEDUCTIBLE,** YOU PAY
<p>FOREIGN TRAVEL— NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA First \$250 each calendar year</p>	<p>\$0</p>	<p>\$0</p>	<p>\$250</p>
<p>Remainder of charges</p>	<p>\$0</p>	<p>80% to a lifetime maximum benefit of \$50,000</p>	<p>20% and amounts over the \$50,000 lifetime maximum</p>

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[** This high deductible plan pays the same benefits as Plan G after you have paid a calendar year [\$2300] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are [\$2300]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE, **] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE, **] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing, and miscellaneous services and supplies			
First 60 days	All but \$[1364]	\$[1364] (Part A deductible)	\$0
61st thru 90th day	All but \$[341] a day	\$[341] a day	\$0
91st day and after: —While using 60 lifetime reserve days	All but \$[682] a day	\$[682] a day	\$0
—Once lifetime reserve days are used:			
—Additional 365 days	\$0	100% of Medicare-eligible expenses	\$0**
—Beyond the additional 365 days	\$0	\$0	All costs

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE, **] PLAN PAYS	{IN ADDITION TO \$[2300] DEDUCTIBLE, **} YOU PAY
<p>SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital</p> <p>First 20 days</p> <p>21st thru 100th day</p> <p>101st day and after</p>	<p>All approved amounts</p> <p>All but \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>Up to \$[170.50] a day</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p> <p>All costs</p>
<p>BLOOD</p> <p>First 3 pints</p> <p>Additional amounts</p>	<p>\$0</p> <p>100%</p>	<p>3 pints</p> <p>\$0</p>	<p>\$0</p> <p>\$0</p>
<p>HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness</p>	<p>All but very limited copayment/coinsurance for out-patient drugs and inpatient respite care</p>	<p>Medicare copayment/coinsurance</p>	<p>\$0</p>

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed \$[185] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year \$[2300] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are \$[2300]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
<p>MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment</p> <p>First \$[185] of Medicare-approved amounts*</p> <p>Remainder of Medicare-approved amounts</p>	<p>\$0</p> <p>Generally 80%</p>	<p>\$0</p> <p>Generally 20%</p>	<p>\$[185] (Unless Part B deductible has been met)</p> <p>\$0</p>
<p>Part B Excess Charges (Above Medicare-approved amounts)</p>	<p>\$0</p>	<p>100%</p>	<p>\$0</p>

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
BLOOD First 3 pints	\$0	All costs	\$0
Next \$[185] of Medicare-approved amounts*	\$0	\$0	\$[185] (Unless Part B deductible has been met)
Remainder of Medicare-approved amounts	80%	20%	\$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	\$0	\$0

PLAN G or HIGH DEDUCTIBLE PLAN G

PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY \$[2300] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO \$[2300] DEDUCTIBLE,**] YOU PAY
HOME HEALTH CARE MEDICARE-APPROVED SERVICES Medically necessary skilled care services and medical supplies — Durable medical equipment	100%	\$0	\$0
First \$[185] of Medicare-approved amounts*	\$0	\$0	\$[185] (Unless Part B deductible has been met)
Remainder of Medicare-approved amounts	80%	20%	\$0

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 400—Life, Annuities and Health
Chapter 14—External Arbitration**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 375.045, RSMo 2016, and section 376.690, RSMo Supp. 2019, the director adopts a rule as follows:

20 CSR 400-14.100 External Arbitration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1724). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 600—Statistical Reporting
Chapter 1—Reports Other Than Annual Statement and
Credit Insurance**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 600-1.010 Medicare Supplement Data Reporting is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1724-1725). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 600—Statistical Reporting
Chapter 3—Reporting Data on Residential and Auto
Insurances**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 600-3.100 Format to be Used in Reporting Data on Residential Insurance Coverages and Private Passenger Automobile Insurance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1725). No changes have been made in the text of the pro-

posed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Commerce and Insurance under section 374.045, RSMo 2016, the director amends a rule as follows:

20 CSR 700-1.170 Licensing Procedures and Standards for Limited Lines Self-Service Storage Insurance Producers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1725-1726). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 4—Applications**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-4.090 Evaluation—Comity Applications—Professional Landscape Architects is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1558). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Professional Landscape Architects
Chapter 5—Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects,

Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-5.105 Reexaminations—Professional Engineers
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1558). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 5—Examinations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-5.150 Standards for Admission to Examination—
Professional Landscape Architects is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1559). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects
Chapter 10—Corporations

ORDER OF RULEMAKING

By the authority vested in the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects under section 327.041, RSMo 2016, the board amends a rule as follows:

20 CSR 2030-10.010 Application for Certificate of Authority
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1559-1560). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.210 and 338.280, RSMo 2016, the board amends a rule as follows:

20 CSR 2220-2.016 Pharmacy Operating Procedures During
Declared Disasters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1726-1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.050 Public Complaint Handling and Disposition
Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1727). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.060 Gold Certificates is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code*

of State Regulations.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100 and 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.080 Electronic Prescription Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1728). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under section 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.120 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2019 (44 MoReg 1388-1389). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) comments on the proposed amendment.

COMMENT #1: The Missouri Pharmacy Association (MPA) submitted a comment suggesting that proposed subsection (1)(D) could be misconstrued to require compliance with the law of all fifty (50) states when a prescription is transferred. MPA suggested amending subsection (1)(D) to clarify that compliance is required with “the laws of the states involved with the transfer” as opposed to the laws of all states.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with the comment and has amended subsection (1)(D) to clarify its intent to only require compliance with applicable state and federal controlled substance laws.

COMMENT #2: MPA submitted a comment asking the board to clarify whose identity is required to be documented under paragraphs (2)(A)2. and (2)(B)8. MPA expressed support for allowing technicians to document their own names when transferring a prescription/medication order for a non-controlled substance, if approved by the pharmacist-in-charge.

RESPONSE: The intent of the identified sections was to require documentation of the identity of the person actually engaged in transferring or receiving a non-controlled prescription/medication order. The current language best reflects this intent. As a result, no changes have been made in response to the comment. However, the board understands the concerns raised and will provide additional guidance and education on the rule’s requirements once the rule becomes effective.

20 CSR 2220-2.120 Transfer of Prescription or Medication Order Information

(1) A valid new or refill prescription or medication order may be transferred to another pharmacy if—

(D) If the transfer involves a controlled substance, all information must be transferred directly between two (2) licensed pharmacists and comply with all applicable state and federal controlled substance laws and regulations; and

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.150 Mandatory Reporting Rule is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1729). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100 and 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.300 Record Confidentiality and Disclosure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1730). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.280 and 338.350, RSMo 2016, the board amends a rule as follows:

20 CSR 2220-2.500 Nuclear Pharmacy—Minimum Standards for Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1560-1564). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.220 and 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.600 Standards of Operation for a Class F: Renal Dialysis Pharmacy is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1730-1731). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-2.800 Vacuum Tube Drug Delivery System is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1732). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 3—Negative Generic Drug Formulary**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under section 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-3.011 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2019 (44 MoReg 1389). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the rule.

COMMENT #1: The Missouri Pharmacy Association (“MPA”) submitted a comment recommending that the board reference recently enacted amendments to section 338.056, RSMo, governing generic substitutions in the rule. MPA suggested the added language would provide needed clarification in a central location.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with the comment and has added a new section (1) as suggested and renumbered subsequent sections.

20 CSR 2220-3.011 Generic Drug Substitution

(1) Except as otherwise provided by Chapter 338, RSMo, a pharmacist who receives a prescription for a brand name drug or biological product may select a less expensive generically equivalent or interchangeable biological product unless the patient requests a brand named drug or biological product or the prescribing practitioner indicates that substitution is prohibited or displays “brand medically necessary”, “dispense as written”, “do not substitute”, “DAW”, or words of similar import on the prescription.

(2) All pharmacists and dispensing physicians should be warned that any drug product not holding an approved New Drug Application or Abbreviated New Drug Application may not be used as a substitute in the state of Missouri without the dispenser assuming some personal liability.

(3) A pharmacist shall not substitute drug products that are rated as therapeutically inequivalent to other pharmaceutically equivalent products as listed in the latest edition or cumulative supplement of *The Approved Drug Products with Therapeutic Equivalence Evaluations* published by the United States Government, Department of Health and Human Services.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 6—Pharmaceutical Care Standards**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.280, RSMo 2016, and section 338.140, RSMo Supp. 2019, the

board rescinds a rule as follows:

20 CSR 2220-6.030 Provision of Drug and/or Medical Information
is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1732). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2220—State Board of Pharmacy
Chapter 7—Licensing**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2019, the board amends a rule as follows:

20 CSR 2220-7.080 Pharmacist License Renewal and Continuing
Pharmacy Education is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1732-1734). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2230—State Board of Podiatric Medicine
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under section 330.140, RSMo 2016, the board amends a rule as follows:

20 CSR 2230-1.010 General Organization is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 17, 2019 (44 MoReg 1735). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE
Division 2233—State Committee of Marital and Family
Therapists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family

Therapists under section 337.727, RSMo Supp. 2018, the committee amends a rule as follows:

20 CSR 2233-1.040 Fees is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 3, 2019 (44 MoReg 1565-1567). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the CON applications listed below. A decision is tentatively scheduled for October 22, 2019. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

9/10/2019

#5722 NT: Lutheran Convalescent Home
Webster Groves (St. Louis County)
\$0, Purchase 24 SNF beds

#5723 NT: Lenoir Health Care Center (Placed on Nov. 4, 2019
Full CON Meeting agenda)
Columbia (Boone County)
\$0, Purchase 24 SNF beds

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 12, 2019. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Alison Dorge at
alison.dorge@health.mo.gov.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2015—Acupuncturist Advisory Committee

NON-SUBSTANTIVE CHANGE REQUEST

The Acupuncturist Advisory Committee requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2015.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2030—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects

NON-SUBSTANTIVE CHANGE REQUEST

The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2030.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2040—Office of Athletics

NON-SUBSTANTIVE CHANGE REQUEST

The Office of Athletics requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2040.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2045—Athlete Agents

NON-SUBSTANTIVE CHANGE REQUEST

The Office of Athlete Agents requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2045.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2065—Endowed Care Cemeteries****NON-SUBSTANTIVE CHANGE REQUEST**

The Office of Endowed Care Cemeteries requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2065.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2095—Committee for Professional Counselors****NON-SUBSTANTIVE CHANGE REQUEST**

The Committee for Professional Counselors requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2095.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2115—State Committee of Dietitians****NON-SUBSTANTIVE CHANGE REQUEST**

The State Committee of Dietitians requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2115.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2117—Office of Statewide Electrical Contractors****NON-SUBSTANTIVE CHANGE REQUEST**

The Office of Statewide Electrical Contractors requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of

section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2117.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2200—State Board of Nursing****NON-SUBSTANTIVE CHANGE REQUEST**

The State Board of Nursing requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2200.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2234—Board of Private Investigator and Private Fire Investigator Examiners****NON-SUBSTANTIVE CHANGE REQUEST**

The Board of Private Investigator and Private Fire Investigator Examiners requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2234.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE**Division 2255—Missouri Board for Respiratory Care****NON-SUBSTANTIVE CHANGE REQUEST**

The Missouri Board for Respiratory Care requests that the secretary of state make a non-substantive change to the following division and subsequent chapters in accordance with the provisions of section 536.032, RSMo. Pursuant to Executive Order 19-02 the department name was changed from the Department of Insurance, Financial Institutions and Professional Registration to the Department of Commerce and Insurance. The title should be changed to Department of Commerce and Insurance for all chapters falling under Division 2255.

This change will appear in the October 31, 2019 update to the *Code of State Regulations*.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION TO ALL CREDITORS AND CLAIMANTS AGAINST HAMPTON FEED LOT, INCORPORATED

On August 16, 2019, Hampton Feed Lot, Incorporated filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on July 28, 2019.

YOU ARE HEREBY NOTIFIED that if you believe you have a claim against Hampton Feed Lot, Incorporated, you must submit a summary in writing of the circumstances surrounding your claim to the said Hampton Feed Lot, Incorporated at the following address:

Hampton Feed Lot, Incorporated, C/O Robert Cowherd, Attorney at Law, P.O. Box 228,
Chillicothe, MO 64601. Telephone: 660-646-0627.

The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Hampton Feed Lot, Incorporated will be barred unless the proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST nanoMetallix, LLC

On August 5, 2019, nanoMetallix, LLC, a Missouri limited liability company (the "LLC") filed its Notice of Winding Up with the Missouri Secretary of State. The LLC requests that all persons and organizations who have claims against it present them immediately by written letter to nanoMetallix, LLC, c/o Universal Registered Agents, Inc., 300 B East High Street, Jefferson City, MO 65101. All claims must include the name, address, telephone number and email address of the claimant, the amount claimed, the basis for and a description of the claim, copies of any supporting documentation and comply with the terms of this Notice.

A claim against nanoMetallix, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice, unless barred earlier pursuant to applicable law.

**NOTICE OF DISSOLUTION TO ALL CREDITORS
AND CLAIMANTS AGAINST STEVE R. CARLSON, D.D.S.,
A PROFESSIONAL CORPORATION**

On August 5, 2019, Steve R. Carlson, D.D.S., a Professional Corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution was effective on August 5, 2019.

You are hereby notified that if you believe you have a claim against Steve R. Carlson, D.D.S., a Professional Corporation, you must submit a summary in writing of the circumstances surrounding your claim to the corporation c/o Larry G. Schulz, of Sexton, Bender, Hill & Steinman, P.C., 2900 Brooktree Lane, Suite 100, Gladstone, Missouri 64119. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The date of the event on which the claim is based.
3. A brief description of the nature of the debt and amount of the claim.

All claims against Steve R. Carlson, D.D.S, a Professional Corporation, will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of this publication.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS AGAINST
HAMPTON ALTERNATIVE ENERGY PRODUCTS, LLC**

On August 16, 2019, Hampton Alternative Energy Products, LLC filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The Notice was effective on August 16, 2019.

YOU ARE HEREBY NOTIFIED that if you believe you have a claim against Hampton Alternative Energy Products, LLC, you must submit a summary in writing of the circumstances surrounding your claim to the said Hampton Alternative Energy Products, LLC at the following address:

Hampton Alternative Energy Products, LLC, C/O Robert Cowherd, Attorney at Law,
P.O. Box 228, Chillicothe, MO 64601. Telephone number (660) 646-0627.

The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the event for which the claim is based occurred; and
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Hampton Alternative Energy Products, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
SUMMIT LIQUORS LLC**

On August 21, 2019, Summit Liquors LLC, a Missouri limited liability company (the "Company"), filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. The dissolution was effective upon this date.

You are hereby notified that if you believe you have a claim against the Company, you must submit a written summary of your claim to the Company in care of Mark H. Gilgus, Seigfreid Bingham, P.C., 2323 Grand Boulevard, Suite 1000, Kansas City, Missouri 64108. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the claim is based occurred;
4. A brief description of the nature of the debt or the basis for the claim; and
5. Whether the claim is secured, and if so, the collateral used as security.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS AND CLAIMANTS AGAINST
JKM RESTAURANT, LLC**

JKM Restaurant, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on August 20, 2019. Any and all claims against JKM Restaurant, LLC may be sent to David S. Lang, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against JKM Restaurant, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**LAW OFFICE OF ANDREW WEINHAUS, L.L.C.
8000 MARYLAND AVENUE-SUITE 1150
CLAYTON, MISSOURI 63105**

Phone: (314) 726-2411 • Fax: (314) 726-2413

August 22, 2019

Re: Notice of Winding Up of Maxwell's Interiors, LLC

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS AND CLAIMANTS AGAINST MAXWELL'S INTERIORS, LLC**

On August 22, 2019, Maxwell's Interiors, LLC, a Missouri Limited Liability Company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Andrew J. Weinhaus, Law Office of Andrew Weinhaus, 8000 Maryland Avenue, Suite 1150, Clayton, Missouri 63105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DARRCO SCENIC, LLC**

On August 21, 2019, DARRCO Scenic, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill Road, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against Professional Park LLC, a Missouri Limited Liability Company.

On August 27, 2019, Professional Park LLC, a Missouri Limited Liability Company, Charter Number LC0543736, filed its notice of winding up with the Missouri Secretary of State.

Said Limited Liability Company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of Professional Park LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against Thornsberry Harbor LLC, a Missouri Limited Liability Company.

On June 7, 2019, Thornsberry Harbor LLC, a Missouri Limited Liability Company, Charter Number LC1299873, filed its notice of winding up with the Missouri Secretary of State.

Said Limited Liability Company requests that all persons and organizations who have claims against it present them immediately by letter to the company at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and address of the claimant.
2. The amount claimed.
3. The clear and concise statement of facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of Thornsberry Harbor LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP
TO ALL CREDITORS AND CLAIMANTS AGAINST
DJM PROPERTIES, LLC**

DJM Properties, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on August 20, 2019. Any and all claims against DJM Properties, LLC may be sent to David S. Lang, 7733 Forsyth Blvd., Suite 400, Clayton, MO 63105. Each claim should include the following information: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; and the date(s) on which the event(s) on which the claim is based occurred.

Any and all claims against DJM Properties, LLC will be barred unless a proceeding to enforce such claim is commenced within three (3) years after the date this notice is published.

**Notice of Dissolution
to All Creditors of and All Claimants Against
Boulders at Katy Trail Condominium Association**

On August 20, 2019, Boulders at Katy Trail Condominium Association, a Missouri nonprofit corporation (the "Company"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State.

Any claims against the Company must be sent to: c/o Mills Properties, Inc., 2650 S. Hanley Road, Suite 200, St. Louis, Missouri 63144. Each claim must include the name, address and phone number of claimant; amount and nature of claim; date on which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the date of publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				43 MoReg 3648
1 CSR 10-5.010	Commissioner of Administration		43 MoReg 3208	44 MoReg 1184	
1 CSR 50-2.040	Missouri Ethics Commission		44 MoReg 2361		
1 CSR 50-2.070	Missouri Ethics Commission		44 MoReg 2362		
1 CSR 50-5.010	Missouri Ethics Commission	44 MoReg 2359	44 MoReg 2362		
1 CSR 50-5.020	Missouri Ethics Commission	44 MoReg 2359	44 MoReg 2362		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.020	Animal Health		44 MoReg 2087		
2 CSR 30-10.010	Animal Health	44 MoReg 2275	44 MoReg 2283		
2 CSR 70-40.005	Plant Industries		44 MoReg 2363R		
2 CSR 70-40.015	Plant Industries		44 MoReg 2363R		
2 CSR 70-40.016	Plant Industries		44 MoReg 2364R		
2 CSR 70-40.017	Plant Industries		44 MoReg 2364R		
2 CSR 70-40.025	Plant Industries		44 MoReg 2364R		
2 CSR 70-40.040	Plant Industries		44 MoReg 2364R		
2 CSR 70-40.050	Plant Industries		44 MoReg 2365R		
2 CSR 70-40.055	Plant Industries		44 MoReg 2365R		
2 CSR 80-5.010	State Milk Board		44 MoReg 1022	44 MoReg 2129	
2 CSR 90	Weights, Measures and Consumer Protection				44 MoReg 2148
2 CSR 90-10.001	Weights, Measures and Consumer Protection		44 MoReg 2240		
2 CSR 90-10.012	Weights, Measures and Consumer Protection		44 MoReg 1133	44 MoReg 2397	
2 CSR 90-10.019	Weights, Measures and Consumer Protection		44 MoReg 2240		
2 CSR 90-10.130	Weights, Measures and Consumer Protection		44 MoReg 1133	44 MoReg 2397	
2 CSR 90-10.140	Weights, Measures and Consumer Protection		44 MoReg 1134	44 MoReg 2397	
2 CSR 90-10.145	Weights, Measures and Consumer Protection		44 MoReg 1134	44 MoReg 2398	
2 CSR 90-10.150	Weights, Measures and Consumer Protection		44 MoReg 1134	44 MoReg 2398	
2 CSR 90-10.155	Weights, Measures and Consumer Protection		44 MoReg 1135	44 MoReg 2398	
2 CSR 90-10.160	Weights, Measures and Consumer Protection		44 MoReg 1135	44 MoReg 2398	
2 CSR 90-10.165	Weights, Measures and Consumer Protection		44 MoReg 1136	44 MoReg 2398	
2 CSR 90-10.170	Weights, Measures and Consumer Protection		44 MoReg 1136	44 MoReg 2399	
2 CSR 90-10.175	Weights, Measures and Consumer Protection		44 MoReg 1137	44 MoReg 2399	
2 CSR 90-10.180	Weights, Measures and Consumer Protection		44 MoReg 1137	44 MoReg 2399	
2 CSR 90-38.010	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.020	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.030	Weights, Measures and Consumer Protection		43 MoReg 2012R		
2 CSR 90-38.040	Weights, Measures and Consumer Protection		43 MoReg 2013R		
2 CSR 90-38.050	Weights, Measures and Consumer Protection		43 MoReg 2013R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-4.117	Conservation Commission		This Issue		
3 CSR 10-4.130	Conservation Commission		This Issue		
3 CSR 10-4.135	Conservation Commission		44 MoReg 1832		
3 CSR 10-4.136	Conservation Commission		44 MoReg 2087		
3 CSR 10-4.137	Conservation Commission		44 MoReg 2088		
3 CSR 10-4.140	Conservation Commission		44 MoReg 2088		
3 CSR 10-4.145	Conservation Commission		44 MoReg 2088		
3 CSR 10-4.200	Conservation Commission		44 MoReg 1833		
3 CSR 10-5.205	Conservation Commission		44 MoReg 2089		
3 CSR 10-5.215	Conservation Commission		44 MoReg 2090		
3 CSR 10-5.225	Conservation Commission		44 MoReg 2091		
3 CSR 10-5.250	Conservation Commission		44 MoReg 1833		
3 CSR 10-5.300	Conservation Commission		44 MoReg 2091		
3 CSR 10-5.310	Conservation Commission		44 MoReg 2091		
3 CSR 10-5.320	Conservation Commission		44 MoReg 2092		
3 CSR 10-5.330	Conservation Commission		44 MoReg 2092		
3 CSR 10-5.331	Conservation Commission		44 MoReg 2092		
3 CSR 10-5.345	Conservation Commission		44 MoReg 2092		
3 CSR 10-5.430	Conservation Commission		44 MoReg 1835		
3 CSR 10-5.440	Conservation Commission		44 MoReg 1837		
3 CSR 10-5.445	Conservation Commission		44 MoReg 1839		
3 CSR 10-5.540	Conservation Commission		44 MoReg 1841		
3 CSR 10-5.545	Conservation Commission		44 MoReg 1843		
3 CSR 10-5.551	Conservation Commission		44 MoReg 1845		
3 CSR 10-5.552	Conservation Commission		44 MoReg 1847		
3 CSR 10-5.559	Conservation Commission		44 MoReg 1847		
3 CSR 10-5.560	Conservation Commission		44 MoReg 1849		
3 CSR 10-5.565	Conservation Commission		44 MoReg 1851		
3 CSR 10-5.567	Conservation Commission		44 MoReg 1853		
3 CSR 10-5.570	Conservation Commission		44 MoReg 1855		
3 CSR 10-5.576	Conservation Commission		44 MoReg 1857		
3 CSR 10-5.579	Conservation Commission		44 MoReg 1859		
3 CSR 10-5.580	Conservation Commission		44 MoReg 1861		
3 CSR 10-5.700	Conservation Commission		44 MoReg 2093		
3 CSR 10-5.705	Conservation Commission		44 MoReg 2096		
3 CSR 10-6.550	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.405	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-7.439	Conservation Commission		This Issue		
3 CSR 10-7.450	Conservation Commission		44 MoReg 2099		
3 CSR 10-7.455	Conservation Commission		44 MoReg 1998		44 MoReg 445
3 CSR 10-7.700	Conservation Commission		44 MoReg 2099		
3 CSR 10-7.705	Conservation Commission		44 MoReg 2103		
3 CSR 10-7.710	Conservation Commission		44 MoReg 2103		
3 CSR 10-7.715	Conservation Commission		44 MoReg 2104		
3 CSR 10-8.510	Conservation Commission		This Issue		
3 CSR 10-9.625	Conservation Commission		44 MoReg 2104		
3 CSR 10-10.743	Conservation Commission		This Issue		
3 CSR 10-10.744	Conservation Commission		44 MoReg 1863		
3 CSR 10-10.767	Conservation Commission		44 MoReg 1865		
3 CSR 10-10.768	Conservation Commission		44 MoReg 2104		
3 CSR 10-11.140	Conservation Commission		This Issue		
3 CSR 10-11.145	Conservation Commission		44 MoReg 2105		
3 CSR 10-11.180	Conservation Commission		This Issue		
3 CSR 10-11.186	Conservation Commission		This Issue		
3 CSR 10-11.190	Conservation Commission		44 MoReg 2105		
3 CSR 10-11.200	Conservation Commission		This Issue		
3 CSR 10-11.205	Conservation Commission		This Issue		
3 CSR 10-20.805	Conservation Commission		44 MoReg 1867		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services	44 MoReg 1229	44 MoReg 1248	This Issue	
4 CSR 85-5.020	Division of Business and Community Services	44 MoReg 1230	44 MoReg 1249	This Issue	
4 CSR 85-5.030	Division of Business and Community Services	44 MoReg 1232	44 MoReg 1251	This Issue	
4 CSR 85-5.040	Division of Business and Community Services	44 MoReg 1233	44 MoReg 1252	This Issue	
4 CSR 85-5.050	Division of Business and Community Services	44 MoReg 1233	44 MoReg 1252	This Issue	
4 CSR 85-5.060	Division of Business and Community Services	44 MoReg 1234	44 MoReg 1253	This Issue	
4 CSR 85-5.070	Division of Business and Community Services	44 MoReg 1234	44 MoReg 1253	This Issue	
4 CSR 85-5.080	Division of Business and Community Services	44 MoReg 1235	44 MoReg 1253	This Issue	
4 CSR 85-5.090	Division of Business and Community Services	44 MoReg 1235	44 MoReg 1254	This Issue	
4 CSR 85-5.100	Division of Business and Community Services	44 MoReg 1236	44 MoReg 1254	This Issue	
4 CSR 85-5.110	Division of Business and Community Services	44 MoReg 1237	44 MoReg 1255	This Issue	
4 CSR 240-2	Public Service Commission (<i>Changed to 20 CSR 4240-2</i>)				44 MoReg 2322
4 CSR 240-3	Public Service Commission (<i>Changed to 20 CSR 4240-3</i>)				44 MoReg 2322
4 CSR 240-4	Public Service Commission (<i>Changed to 20 CSR 4240-4</i>)				44 MoReg 2323
4 CSR 240-10	Public Service Commission (<i>Changed to 20 CSR 4240-10</i>)				44 MoReg 2323
4 CSR 240-13	Public Service Commission (<i>Changed to 20 CSR 4240-13</i>)				44 MoReg 2323
4 CSR 240-14	Public Service Commission (<i>Changed to 20 CSR 4240-14</i>)				44 MoReg 2323
4 CSR 240-18	Public Service Commission (<i>Changed to 20 CSR 4240-18</i>)				44 MoReg 2323
4 CSR 240-20	Public Service Commission (<i>Changed to 20 CSR 4240-20</i>)				44 MoReg 2323
4 CSR 240-20.100	Public Service Commission (<i>Changed to 20 CSR 4240-20.100</i>)		44 MoReg 1024	44 MoReg 2319	
4 CSR 240-22	Public Service Commission (<i>Changed to 20 CSR 4240-22</i>)				44 MoReg 2323
4 CSR 240-23	Public Service Commission (<i>Changed to 20 CSR 4240-23</i>)				44 MoReg 2323
4 CSR 240-28	Public Service Commission (<i>Changed to 20 CSR 4240-28</i>)				44 MoReg 2324
4 CSR 240-29	Public Service Commission (<i>Changed to 20 CSR 4240-29</i>)				44 MoReg 2324
4 CSR 240-31	Public Service Commission (<i>Changed to 20 CSR 4240-31</i>)				44 MoReg 2324
4 CSR 240-34	Public Service Commission (<i>Changed to 20 CSR 4240-34</i>)				44 MoReg 2324
4 CSR 240-36	Public Service Commission (<i>Changed to 20 CSR 4240-36</i>)				44 MoReg 2324
4 CSR 240-40	Public Service Commission (<i>Changed to 20 CSR 4240-40</i>)				44 MoReg 2324
4 CSR 240-50	Public Service Commission (<i>Changed to 20 CSR 4240-50</i>)				44 MoReg 2324
4 CSR 240-60	Public Service Commission (<i>Changed to 20 CSR 4240-60</i>)				44 MoReg 2324
4 CSR 240-61	Public Service Commission (<i>Changed to 20 CSR 4240-61</i>)				44 MoReg 2324
4 CSR 240-80	Public Service Commission (<i>Changed to 20 CSR 4240-80</i>)				44 MoReg 2325
4 CSR 240-120	Public Service Commission (<i>Changed to 20 CSR 4240-120</i>)				44 MoReg 2325
4 CSR 240-123	Public Service Commission (<i>Changed to 20 CSR 4240-123</i>)				44 MoReg 2325
4 CSR 240-124	Public Service Commission (<i>Changed to 20 CSR 4240-124</i>)				44 MoReg 2325
4 CSR 240-125	Public Service Commission (<i>Changed to 20 CSR 4240-125</i>)				44 MoReg 2325
4 CSR 240-126	Public Service Commission (<i>Changed to 20 CSR 4240-126</i>)				44 MoReg 2325
4 CSR 240-127	Public Service Commission (<i>Changed to 20 CSR 4240-127</i>)				44 MoReg 2325
4 CSR 340-2	Division of Energy				44 MoReg 1758
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.190	Division of Learning Services		43 MoReg 3780	44 MoReg 1392	
5 CSR 20-100.295	Division of Learning Services		44 MoReg 2105		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-100.320	Division of Learning Services	This Issue	This Issue		
5 CSR 20-100.330	Division of Learning Services				44 MoReg 2325
5 CSR 20-400.180	Division of Learning Services		44 MoReg 2000		
5 CSR 20-400.220	Division of Learning Services		44 MoReg 1665		
5 CSR 20-400.610	Division of Learning Services		44 MoReg 2002		
5 CSR 20-600.110	Division of Learning Services (<i>Changed to 5 CSR 20-100.330</i>)		44 MoReg 79	44 MoReg 1333	
5 CSR 20-600.120	Division of Learning Services (<i>Changed to 5 CSR 20-100.300</i>)				43 MoReg 3651
5 CSR 20-600.130	Division of Learning Services (<i>Changed to 5 CSR 20-100.310</i>)				43 MoReg 3651
5 CSR 20-600.140	Division of Learning Services (<i>Changed to 5 CSR 20-100.320</i>)				43 MoReg 3651
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2115		
5 CSR 100-200.047	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2115		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2115		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2116		
5 CSR 100-200.095	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2116		
5 CSR 100-200.125	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2116		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2117		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2117		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		44 MoReg 2118		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-3.020	Commissioner of Higher Education		44 MoReg 2283		
6 CSR 10-14.010	Commissioner of Higher Education		44 MoReg 1502	44 MoReg 2399	
6 CSR 250-10.030	University of Missouri		44 MoReg 2365		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		44 MoReg 1377	44 MoReg 2308	
8 CSR 20-3.010	Labor and Industrial Relations Commission		44 MoReg 1378	44 MoReg 2308	
8 CSR 20-3.030	Labor and Industrial Relations Commission		44 MoReg 1380	44 MoReg 2308	
8 CSR 20-3.060	Labor and Industrial Relations Commission		44 MoReg 1381	44 MoReg 2308	
8 CSR 20-4.010	Labor and Industrial Relations Commission		44 MoReg 1382	44 MoReg 2309	
8 CSR 20-5.010	Labor and Industrial Relations Commission		44 MoReg 2367		
8 CSR 20-8.010	Labor and Industrial Relations Commission		44 MoReg 1383	44 MoReg 2309	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.060	Director, Department of Mental Health		44 MoReg 2368		
9 CSR 30-3.160	Certification Standards		44 MoReg 1255	44 MoReg 2309	
9 CSR 30-4.005	Certification Standards (<i>Changed from 9 CSR 30-4.042</i>)		44 MoReg 1516		
9 CSR 30-4.010	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.020	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.030	Certification Standards		44 MoReg 1505R		
9 CSR 30-4.031	Certification Standards		44 MoReg 1506R		
9 CSR 30-4.032	Certification Standards		44 MoReg 1506		
9 CSR 30-4.033	Certification Standards		44 MoReg 1507R		
9 CSR 30-4.034	Certification Standards		44 MoReg 1507		
9 CSR 30-4.035	Certification Standards		44 MoReg 1510		
9 CSR 30-4.038	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.039	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.040	Certification Standards		44 MoReg 1515R		
9 CSR 30-4.042	Certification Standards (<i>Changed to 9 CSR 30-4.005</i>)		44 MoReg 1516		
9 CSR 30-4.043	Certification Standards		44 MoReg 1520		
9 CSR 30-4.0431	Certification Standards		44 MoReg 1526		
9 CSR 30-4.0432	Certification Standards		44 MoReg 1528		
9 CSR 30-4.045	Certification Standards		44 MoReg 1533		
9 CSR 30-4.046	Certification Standards		44 MoReg 1536		
9 CSR 30-4.160	Certification Standards		44 MoReg 1539R		
9 CSR 30-4.190	Certification Standards		44 MoReg 1539		
9 CSR 30-4.195	Certification Standards		44 MoReg 1540		
9 CSR 30-6.010	Certification Standards	44 MoReg 1237	44 MoReg 1264	44 MoReg 2309	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.442	Air Conservation Commission		44 MoReg 1269		
10 CSR 10-5.550	Air Conservation Commission		44 MoReg 1272		
10 CSR 10-5.570	Air Conservation Commission		44 MoReg 2009		
10 CSR 10-6.030	Air Conservation Commission		44 MoReg 1138	This Issue	
10 CSR 10-6.050	Air Conservation Commission		44 MoReg 1543		
10 CSR 10-6.060	Air Conservation Commission		This Issue		
10 CSR 10-6.130	Air Conservation Commission		43 MoReg 1304		
10 CSR 10-6.140	Air Conservation Commission		44 MoReg 1544		
10 CSR 10-6.161	Air Conservation Commission		44 MoReg 2011		
10 CSR 10-6.200	Air Conservation Commission		44 MoReg 1872		
10 CSR 10-6.330	Air Conservation Commission		44 MoReg 2371		
10 CSR 10-6.390	Air Conservation Commission		44 MoReg 2372		
10 CSR 20-6.020	Clean Water Commission		44 MoReg 2290		
10 CSR 25-7	Hazardous Waste Management Commission				44 MoReg 1758
10 CSR 25-12.010	Hazardous Waste Management Commission		This Issue		
10 CSR 60-15.020	Safe Drinking Water Commission		44 MoReg 1138	This Issue	
10 CSR 80-2.010	Solid Waste Management		44 MoReg 501	44 MoReg 2129W	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 80-11.010	Solid Waste Management		44 MoReg 511	44 MoReg 2129W	
10 CSR 80-12.010	Solid Waste Management		44 MoReg 542	44 MoReg 2130W	
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11.010	Adjutant General		44 MoReg 1025R	44 MoReg 2312R	
11 CSR 10-11.020	Adjutant General		44 MoReg 1025R	44 MoReg 2312R	
11 CSR 10-11.040	Adjutant General		44 MoReg 1026R	44 MoReg 2312R	
11 CSR 10-11.050	Adjutant General		44 MoReg 1026R	44 MoReg 2313R	
11 CSR 10-11.070	Adjutant General		44 MoReg 1026R	44 MoReg 2313R	
11 CSR 10-11.090	Adjutant General		44 MoReg 1026R	44 MoReg 2313R	
11 CSR 10-11.100	Adjutant General		44 MoReg 1027R	44 MoReg 2313R	
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19 CSR 10-4.020	J-1 Visa Waiver Program	Nov. 1, 2019 Issue	Oct. 1, 2019March 27, 2020
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19 CSR 30-30.060	Standards for the Operation of Abortion Facilities44 MoReg 2084	July 1, 2019	Feb. 27, 2020
19 CSR 30-40.750	ST-Segment Elevation Myocardial Infarction (STEMI) Center Resignation Application and Review	This Issue	Sept. 12, 2019 March 9, 2020
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19 CSR 30-95.025	Generally Applicable Provisions44 MoReg 1797	June 3, 2019 Feb. 27, 2020
19 CSR 30-95.030	Qualifying Patient/Primary Caregiver44 MoReg 1804	June 3, 2019 Feb. 27, 2020
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20 CSR 2220-2.995	Board Approved Pilot and Research Projects	Next Issue	Sept. 27, 2019 March 24, 2020
20 CSR 2220-2.400	Compounding Standards of Practice44 MoReg 1241	March 30, 2019 Jan. 8, 2020
20 CSR 2220-2.990	Rx Cares for Missouri Program44 MoReg 2275	July 28, 2019 Feb. 27, 2020
20 CSR 2220-4.010	General Fees44 MoReg 2238	July 20, 2019 Nov. 5, 2019
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20 CSR 2270-4.031	Minimum Standards for Practice Techniques44 MoReg 1242	March 30, 2019 Jan. 8, 2020

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<u>2019</u>			
19-16	Orders the commencement of the Missouri as a Model Employer Initiative, with directives for the State of Missouri employing people with disabilities	Sept 9, 2019	Next Issue
19-15	Declares the Department of Higher Education be henceforth called Department of Higher Education and Workforce Development	Aug 28, 2019	This Issue
Proclamation	Calls for a Special Session of the One Hundredth General Assembly	Aug 21, 2019	This Issue
19-14	Establishes the Flood Recovery Advisory Working Group	July 18, 2019	44 MoReg 2281
19-13	Establishes the Missouri Health Insurance Innovation Task Force	July 17, 2019	44 MoReg 2278
19-12	Closes state offices July 5, 2019	July 3, 2019	44 MoReg 2239
19-11	Establishes the Missouri Food, Beverage, and Forest Products Manufacturing Task Force	June 28, 2019	44 MoReg 2085
19-10	Extends Executive Order 19-06 - State of Emergency	June 13, 2019	44 MoReg 1993
19-09	Calls and orders into active service, portions of the organized militia as necessary to aid executive officials in protecting life and property	May 27, 2019	44 MoReg 1830
19-08	Declares a State of Emergency	May 21, 2019	44 MoReg 1828
Writ of Election	Fills vacancy in the One Hundredth General Assembly from the 158th district	April 23, 2019	44 MoReg 1499
Writ of Election	Fills vacancy in the One Hundredth General Assembly from the 99th district	April 23, 2019	44 MoReg 1497
19-07	Extends Executive Order 19-06 - State of Emergency	April 30, 2019	44 MoReg 1501
19-06	Gives the Department of Natural Resources discretionary authority to waive or suspend operation to best serve the interests of the public health and safety during the State of Emergency	March 29, 2019	44 MoReg 1246
19-05	Declares a State of Emergency	March 21, 2019	44 MoReg 1244
19-04	Establishes the Missouri School Safety Task Force	March 13, 2019	44 MoReg 1131
Proclamation	Governor reduces line items in the budget.	Jan. 28, 2019	44 MoReg 771
19-03	Transfers the Division of Workforce Development to the Department of Higher Education	Jan. 17, 2019	44 MoReg 767
19-02	Transfers the Office of Public Counsel and Public Service Commission to the Department of Insurance, Financial Institutions and Professional Registration	Jan. 17, 2019	44 MoReg 765
19-01	Transfers the Division of Energy to the Department of Natural Resources	Jan. 17, 2019	44 MoReg 763
<u>2018</u>			
18-12	Establishes the Missouri 2020 Complete Count Committee	Dec. 18, 2018	44 MoReg 498
18-11	Closes state offices December 24, 2018.	Nov. 30, 2018	43 MoReg 3761
18-10	Establishes that each executive branch adhere to the code of conduct regarding gifts form lobbyist	Nov. 20, 2018	44 MoReg 36
18-09	Closes state offices November 23, 2018.	Nov. 1, 2018	43 MoReg 3204
18-08	Establishes the Missouri Justice Reinvestment Executive Oversight Council.	Oct. 25, 2018	43 MoReg 3472
Proclamation	Governor temporarily reduces line items in the budget.	Oct. 31, 2018	43 MoReg 3416
18-07	Establishes the Bicentennial Commission.	Oct. 12, 2018	43 MoReg 3202
Proclamation	Calls upon the Senators and Representatives to enact legislation requiring the Department of Elementary and Secondary Education to establish a statewide program to be known as the "STEM Career Awareness Program."	Sept. 4, 2018	43 MoReg 2780
18-06	Designates those members of the governor's staff who have supervisory authority over each department, division, or agency of state government.	Aug. 21, 2018	43 MoReg 2778
18-05	Declares a drought alert for 47 Missouri counties and orders the director of the Department of Natural Resources to activate and designate a chairperson for the Drought Assessment Committee	July 18, 2018	43 MoReg 2539
18-04	Extends the deadline from Section 3d of Executive Order 17-03 through September 30, 2018.	June 29, 2018	43 MoReg 1996
18-03	Reauthorizes and restructures the Homeland Security Advisory Council.	April 25, 2018	43 MoReg 1123
18-02	Declares a State of Emergency and activates the state militia in response to severe weather that began on Feb. 23.	Feb. 24, 2018	43 MoReg 664
Proclamation	Governor notifies the General Assembly that he is reducing appropriation lines in the fiscal year 2018 budget.	Feb. 14, 2018	43 MoReg 519
18-01	Rescinds Executive Order 07-21.	Jan. 4, 2018	43 MoReg 251

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